

BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In the Matter of Licensure of
White Rock Academy Corporation,
a.k.a. White Rock Academy, Inc.
d/b/a White Rock Academy
203 Grand Avenue
Esbon, Kansas 66941

KDHE Case No. 09-H-36

A Residential Center

License Number: 59805

EMERGENCY ORDER OF SUSPENSION

NOW on this 19th day of February, 2009, Roderick L. Bremby, Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file of White Rock Academy Corporation, a.k.a. White Rock Academy Inc., d/b/a White Rock Academy, 203 Grand Avenue, Esbon, Kansas 66941, a residential center [Licensee or White Rock Academy].

WHEREUPON, the Secretary finds that:

1. KDHE issued a license to Licensee to operate a residential center effective April 6, 2007, for eighteen (18) female and nine (9) male residents, ages eleven years and older.
2. On or about January 16, 2009, KDHE made an on-site complaint/compliance visit and found the facility doors locked, preventing egress. The facility was informed by the State Fire Marshal on or about January 27, 2009, to not lock their emergency exit doors. On or about February 6, 2009, KDHE conducted an evening survey at approximately 8:40 p.m. and found two emergency exit doors locked. One of the doors was key locked and one was chained. KDHE cited the facility for non-compliance and instructed Administration and facility staff to not lock the doors. The investigation conducted on or about February 13, 2009, discovered that

the facility continues to lock their doors in evening hours. On February 17, 2009, the Kansas State Fire Marshal issued an Order to Cease and Desist to White Rock Academy ordering White Rock Academy to remove the locks and to come into immediate compliance with the Kansas Life Safety Code. Operation in the facility is inadequate to implement the program and to provide for the welfare of the residents.

3. The facility continues to be in noncompliance with K.A.R. 28-4-274(b) by failing to provide intensive mental health, drug and alcohol therapeutic services to meet the identified high level needs of the residents accepted into care. KDHE allowed Licensee until February 18, 2009, by 5:00 p.m. to provide a copy of the contract with Dr. Howard, Howard Psychiatric Services and other documentation. Licensee failed to provide a copy with Dr. Howard.

4. Recent reports and interviews with a youth and former staff confirm that Licensee's Administration instructed staff to handcuff a youth to prevent self-harm throughout the youth's stay at the facility, for approximately 30 days, that began in August 2007. The facility later accepted this youth back on October 12, 2007 through November 4, 2007, at which time they transported the youth to Stormont Vail West in Topeka, Kansas.

5. The facility was not operating in accordance with K.A.R.28-4-273(e)(6). All twenty four residents currently placed in the facility did not have approval from The Kansas Interstate Compact for Placement (ICPC) at the facility.

6. K.S.A. 65-524 authorizes the Secretary to suspend a license to operate a residential center prior to a hearing when, in the opinion of the Secretary, said suspension is necessary to protect any child in the child care facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

7. Due to the facts contained in the paragraphs above, the Secretary has determined that immediate suspension of Licensee's license is necessary to protect youth in the Licensee's care from physical abuse or a substantial threat to their health or safety. Licensee has until Monday, February 23, 2009, at 3:00 p.m. to make arrangements with the youth's parents to move the youth.

8. Licensee is required, pursuant to K.S.A. 65-506, to notify the parents and guardians of the youth in care in writing that its license to operate a child care facility has been suspended.

WHEREUPON, the Secretary hereby suspends Licensee's license to operate a residential center, effective immediately, thereby prohibiting the Licensee from caring for youth. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.

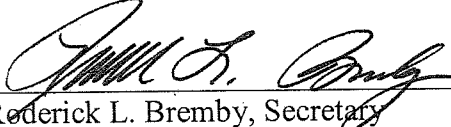
RIGHT TO A HEARING

The Licensee has a right to request a hearing on the above issues and proposed order in accordance with the provisions of the Kansas Administrative Procedure Act. To obtain a hearing, a request for a hearing must be filed within 15 days of the date this notice is mailed, which date is indicated by the Certificate of Service below. Failure to file a timely request will result in a waiver of Licensee's right to a hearing, and this Emergency Order of Suspension will become a Final Order suspending the Licensee's license to operate a child care center.

If you want to request a hearing, a written request for a hearing must be filed with Tracy T. Diel, Director, Office of Administrative Hearings, 1020 South Kansas Avenue, Topeka, Kansas 66612-1327, telephone number (785) 296-2433. (Please indicate a telephone number where you can be contacted during business hours if you request a hearing.)

This Order of Suspension is issued as an Emergency Adjudicative Proceeding under K.S.A. 77-536 of the Kansas Administrative Procedure Act. The mailing of this Order shall be notice of its issuance and is given to comply with K.S.A. 77-536(d) of the Act.

IT IS SO ORDERED.



Frederick L. Bremby, Secretary
Kansas Department of Health and Environment