

In Re: **Closure of Alldredge Academy, Inc.**

**TO: L. Jay Mitchell and Lance Wells
d/b/a Alldredge Academy, Inc.
Highway 32
P.O. Box 310
Davis, West Virginia 26260**

ORDER OF CLOSURE

Under legal authority vested in the Office of the Cabinet Secretary for the West Virginia Department of Health and Human Resources by West Virginia Code 49-2B-12, Alldredge Academy, Inc. (hereinafter, "Alldredge") is hereby ORDERED to CEASE, DESIST and CLOSE operation in West Virginia of a residential child care facility on the basis that continued operation constitutes an immediate danger of serious harm to children served in said facility, such closure to occur no later than the 18th day of June 2001.

Upon service of this Order Alldredge shall make all necessary arrangements for the orderly transition of children from Alldredge into the care, custody and control of their parents, custodians or guardians. To facilitate the closure of the facility, Alldredge shall make no further admissions of children to the facility. If there are any children remaining at Alldredge at noon on June 18, 2001, the West Virginia Department of Health and Human Resources shall take custody and control of those children.

It is further ordered that Alldredge will cooperate fully with the West Virginia Department of Health and Human Resources or other agencies acting as agents for the West Virginia Department of Health and Human Resources to ensure the health, safety

EXHIBIT

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and well-being of the children: Such cooperation shall include but not be limited to providing information necessary to return each child to the care, custody and control of his or her parent(s), guardian or custodian.

It is specifically ordered that Alldredge shall provide the Department of Health and Human Resources with the names and addresses of the children's parents, custodians or guardians within 24 hours of the service of this order

Factual Basis for Closure

This Order is based upon the following findings of facts giving rise to an immediate danger of serious harm to children at Alldredge:

1. That on February 13, 2001, the West Virginia Department of Health and Human Resources (hereinafter, "Department") was made aware of a suicide death of a 14 year old child, R.L. at Alldredge.
2. That on the February 14, 2001, investigators within the Department's Institutional Investigative Unit (hereinafter, "IIU"), Richard Young and Sandy Prather, began a child protective services investigation concerning the death of R.L.
3. That the IIU investigators learned that on February 12, 2001, R.L. had lacerated his arm from the wrist to the bend of his forearm numerous times with a knife and told staff that he didn't think he could make it through the program.
4. That Alldredge's staff members failed to provide appropriate therapeutic intervention and returned the knife to R.L. on February 13, 2001 and allowed him to keep the rope with which he subsequently hanged himself.
5. That although the two staff identified by Alldredge as therapists, Weston White and L.J. Mitchell, made a scheduled site visit to the location of R.L.'s group on February 13, 2001, they did not discuss the arm cutting incident with R.L.
6. That on February 13, 2001, R.L. was allowed to be out of sight of staff for approximately 15 to 20 minutes during which time R.L. hanged himself.

7.

That the Department's investigation determined that Alldredge had inadequate policy and procedures in place to assure the health, safety and well-being of children. Staff lacked necessary credentials and training to appropriately serve the needs of the children, inclusive of the fifty percent of the children reported by [L. J. Mitchell] who have had suicidal ideation or attempts. Alldredge failed to consistently notify law enforcement of runaways and failed to consistently cooperate with law enforcement with regards to residents violating the law, as reported by state police and the county prosecutor. Admitted to the program an inappropriate mixture of children, ranging in severity from those with mild behavioral problems to those with significant behavioral problems. This handicaps Alldredge's ability to provide adequate and suitable treatment for any population and this policy could serve to exacerbate the behavior problems of all.
8.

That the investigation resulted in a finding of neglect. This finding is supported, in part, by Alldredge's failure to properly supervise [R.L]. There is a general lack of policies and procedures designed to ensure the safety and protect the rights of students. Staff are not adequately trained to ensure the safety of children. None of the staff in the field have a license or certification to provide behavioral health types of services.
9.

That on May 31, 2001, IIU met with Alldredge to discuss an incident regarding a second child at Alldredge. Although this investigation is ongoing, the Department has determined that Alldredge continues to ignore the issues raised as a result of [R.L]'s death in that staff have not been properly trained to deal with children with significant behavior disorders or those who threaten suicide. Alldredge has not developed or implemented policies or procedures to guide staff in the appropriate treatment of behaviorally disturbed and or suicidal children.
10.

That in addition to the above, it was realized that Alldredge has been and continues to dispense psychotropic and other medication by unlicensed personnel, in violation of W. Va. Code § 30-7-1 et. seq. There are no staff members appropriately trained, certified or licensed to recognize side effects and potential complications of ingested medications. Alldredge's admission coordinator and nurse, Sandy Schmiedeknecht, admitted to dispensing medication and that she is an unlicensed nurse.
11.

That during this investigation, Alldredge was asked to produce the record of the child subject to the recent incident, but to this date Alldredge has been unable or unwilling to produce the child's record despite repeated requests.
12.

That the foregoing deficiencies create an environment that constitutes an immediate danger of serious harm to children at Alldredge.

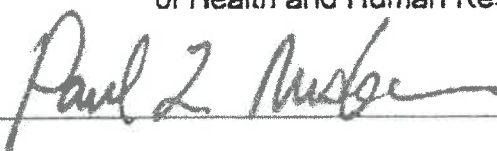
Legal Basis for Closure

This Order is being issued pursuant to West Virginia Code § 49-2B-12, a copy of which is attached hereto.

Notice of Administrative or Judicial Review

West Virginia Code § 49-2B-13 provides provisions for an administrative or judicial review of actions taken under Article 2B of Chapter 49. Should you desire an administrative hearing regarding this closure, you must contact Dennis B. Rhodes, Chairman, Board of Review, Office of the Inspector General, Building 6, Room 817-B, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305, in writing within thirty (30) days of receipt of this Order. A copy of West Virginia Code § 49-2B-13 is annexed hereto and incorporated herein by reference. The filing of a request for an administrative hearing does not stay the effectiveness of this order.

By **ORDER** of Paul L. Nusbaum
Secretary of the
West Virginia Department
of Health and Human Resources



**PAUL L. NUSBAUM
SECRETARY**

DATE: 6/6/01

Quoted in State ex rel. J.D.W. v. Harris, 173 W. Va. 690, 319 S.E.2d 815 (1984).
Cited in Camden Fire Ins. Ass'n v. Johnson, 170 W. Va. 313, 294 S.E.2d 116 (1982).

§ 49-2B-2. Definitions.

As used in this article, unless the context otherwise requires:

(a) "Approval" means a finding by the commissioner that a facility operated by the state has met the requirements set forth in the rules promulgated pursuant to this article.

(b) "Certificate of approval" means a statement of the commissioner that a facility operated by the state has met the requirements set forth in the rules promulgated pursuant to this article.

(c) "Certificate of license" means a statement issued by the commissioner authorizing an individual, corporation, partnership, voluntary association, municipality or county, or any agency thereof, to provide specified services for a limited period of time in accordance with the terms of the certificate.

(d) "Certificate of registration" means a statement issued by the commissioner to a family day care home upon receipt of a self-certification statement of compliance with the rules promulgated pursuant to the provisions of this article.

(e) "Certification" means a statement issued by the commissioner to a family day care facility upon satisfactory inspection, approval and certification that the facility has complied with the applicable rules promulgated by the commissioner.

(f) "Child" means any person under eighteen years of age.

(g) "Child care" means responsibilities assumed and services performed in relation to a child's physical, emotional, psychological, social and personal needs and the consideration of the child's rights and entitlements.

(h) "Child placing agency" means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided in this chapter. The function of a child placing agency may also include the supervision of children who are sixteen or seventeen years old and living in unlicensed residences.

(i) "Child welfare agency" means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including without limitation, private homes, or any facility that provides care for unmarried mothers and their children;

(j) "Commissioner" means the commissioner of human services.

(k) "Day care center" means a facility operated by a child welfare agency for the care of thirteen or more children on a nonresidential basis.

(l) "Department" means the state department of human services.

(m) "Facility" means a place or residence, including personnel, structures, grounds and equipment used for the care of a child or children on a residential or other basis for any number of hours a day; any shelter or structure maintained for that purpose.

(n) "Family day care home" means a facility which is used to provide nonresidential child care compensation in other than the child's own home. The provider may care for four to six children including children who are living in the household who are under six years of age. No more than two the total number of children may be under two four months of age.

(o) "Family day care facility" means any facility which is used to provide nonresidential child care compensation for seven to twelve children, including children who are living in the household, who are under six years of age. No more than four of the number of children may be under twenty-four months of age.

(p) "Foster family group home" means a private residence which is used for the care on a residential basis of six, seven or eight children who are related by blood, marriage, or adoption to any member of the household.

(q) "Foster family home" means a private residence which is used for the care on a residential basis of no more than five children who are related by blood, marriage, or adoption to any member of the household.

(r) "Group home" means any facility, public or private, which is used to provide residential care for ten or fewer children.

(s) "Group home facility" means any facility, public or private, which is used to provide residential care for eleven or more children.

(t) "License" means the grant of official permission to a facility to engage in an activity which would otherwise be prohibited.

(u) "Registration" means the process by which a family day care home self-certifies compliance with the rules promulgated pursuant to this article.

(v) "Residential child care" or "child care on a residential basis" means child care which includes the provision of nighttime shelter and the personal discipline and supervision of a child by guard custodians or other persons or entities on a continuing or temporary basis.

(w) "Rule" means a statement issued by the commissioner of the standard to be applied in various areas of child care.

(x) "Variance" means a declaration that a rule may be accomplished in a manner different from the manner set forth in the rule.

(y) "Waiver" means a declaration that a rule is inapplicable in a particular circumstance (1981, c. 44; 1989, c. 26; 1996, c. 80.)

ALR references. — Children's day-care use as violative of restrictive covenant, 29 ALR4th 730.

§ 49-2B-3. Licensure, certification, approval and registration requirements.

(a) Any person, corporation, or child welfare agency other than a state agency, which operates a residential child care facility, a child placing agency or a day care center shall obtain a license from the department.

(b) Any residential child care facility, day care center or any child placing agency operated by the state shall obtain approval of its operations from the commissioner. Such facilities and placing agencies shall maintain the same standards of care applicable to licensed facilities, centers or placing agencies of the same category.

(c) Any family day care facility which operates in this state, including family day care facilities approved by the department for receipt of funding, shall obtain a statement of certification from the department.

(d) Every family day care home which operates in this state, including family day care homes approved by the department for receipt of funding, shall obtain a certificate of registration from the department.

(e) This section does not apply to:

(1) A kindergarten, preschool or school education program which is operated by a public school or which is accredited by the state department of education, or any other kindergarten, preschool or school programs which operate with sessions not exceeding four hours per day for any child;

(2) An individual or facility which offers occasional care of children for brief periods while parents are shopping, engaging in recreational activities, attending religious services or engaging in other business or personal affairs;

(3) Summer recreation camps operated for children attending sessions for periods not exceeding thirty days;

(4) Hospitals or other medical facilities which are primarily used for temporary residential care of children for treatment, convalescence or testing; or

(5) Persons providing family day care solely for children related to them. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

Cross references. — Conditions of licensure and approval, § 49-2B-6.

Application for license or approval, § 49-2B-8.

ALR references. — Governmental liability for negligence in licensing, regulating, or supervising private day-care home in which child is injured, 68 ALR4th 266.

§ 49-2B-4. Rules.

(a) The commissioner shall promulgate rules in accordance with the provisions of chapter twenty-nine-a [§ 29A-1-1 et seq.] of this code regarding the licensure, approval, certification and registration of child care facilities and the implementation of the provisions of this article.

(b) The commissioner shall review the rules promulgated pursuant to the provisions of this article at least once every five years, making revisions when necessary or convenient. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

Cross references. — Waivers and variances to rules and regulations, § 49-2B-7.
Stated in State ex rel. J.D.W. v. Harris, 173 W. Va. 690, 319 S.E.2d 815 (1984).

§ 49-2B-5. Penalties; injunctions.

(a) Any individual or corporation which operates a child welfare agency, residential child care facility or day care center without a license when a license is required is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in jail not exceeding one year, or a fine of not more than five hundred dollars, or both fined and imprisoned.

(b) Any family day care facility which operates without certification when certification is required is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

(c) Where a violation of this article or a rule promulgated by the commissioner may result in serious harm to children under care, the commissioner may seek injunctive relief against any person, corporation, child welfare agency, child placing agency, day care center, family day care facility, family day care home or governmental official through proceedings instituted by the attorney general, or the appropriate county prosecuting attorney, in the circuit court of Kanawha County or in the circuit court of any county where the children are residing or may be found. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

§ 49-2B-6. Conditions of licensure, certification approval and registration.

(a) A license or approval is effective for a period of two years from the date of issuance, unless revoked or modified to provisional status based on evidence of a failure to comply with the provisions of this article or any rules promulgated pursuant to this article. The license or approval shall be reinstated upon application to the commissioner and a determination of compliance.

(b) A statement of certification is effective for a period of two years from the date of issuance, unless revoked or modified to provisional status based on evidence of a failure to comply with the provisions of this article or any rules promulgated pursuant to this article. The statement of certification shall be reinstated upon application to the commissioner and a determination of compliance.

(c) A certificate of registration is effective for a period of two years from the date of issuance, unless revoked based on evidence of a failure to comply

day care homes and facilities. The commissioner shall consult with applicants, the personnel of child welfare agencies, and children under care to assure the highest quality child care possible.

(b) The director of the department of health and the state fire marshal shall cooperate with the commissioner in the administration of the provisions of this article by providing such reports and assistance as may be requested by the commissioner. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

§ 49-2B-10. Investigative authority.

(a) The commissioner shall enforce the provisions of this article.

(b) An on-site evaluation of every facility regulated pursuant to this article, except certified family day care facilities and registered family day care homes, shall be conducted no less than once per year by announced or unannounced visits.

(c) Every certified family day care facility shall be satisfactorily inspected by the department prior to issuance of certification. Future inspections shall occur at not longer than two year intervals or upon receipt by the department of a complaint about the facility.

(d) A random sample of not less than five percent of registered family day care homes shall be monitored annually through on-site evaluations.

(e) The commissioner shall have access to the premises, personnel, children in care and records of each facility subject to inspection, including, but not limited to, case records, corporate and financial records and board minutes. Applicants for licenses, approvals, certifications and certificates of registration shall consent to reasonable on-site administrative inspections, made with or without prior notice, as a condition of licensing, approval, certification or registration.

(f) When a complaint is received by the commissioner alleging violations of licensure, approval, certification or registration requirements, the commissioner shall investigate the allegations. The commissioner may notify the facility's director before or after a complaint is investigated and shall cause a written report of the results of the investigation to be made.

(g) The commissioner may enter any unlicensed, uncertified, unregistered or unapproved child care facility or personal residence for which there is probable cause to believe that the facility or residence is operating in violation of this article. Such entries shall be made with a law-enforcement officer present. The commissioner may enter upon the premises of any unregistered residence only after two attempts by the commissioner to bring this facility into compliance. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

§ 49-2B-11. Revocation; provisional licensure, certification and approval.

(a) The commissioner may revoke or make provisional the licensure or certification of any facility or

child welfare agency regulated pursuant to this article if a facility materially violates any provision of this article, or any terms or conditions of the license, certification or approval issued, or fails to maintain established requirements of child care: Provided, That the provisions of this section shall not apply to family day care homes.

(b) The commissioner may revoke the certificate of registration of any family day care home if a facility materially violates any provision of this article, or any terms or conditions of the registration certificate issued, or fails to maintain established requirements of child care. (1981, c. 44; 1989, c. 26; 1996, c. 80.)

§ 49-2B-12. Closing of facilities by the commissioner; placement of children.

When the commissioner finds that the operation of a child care facility constitutes an immediate danger of serious harm to children served by the facility, the commissioner shall issue an order or closure terminating operation of the facility. When necessary, the commissioner shall place or direct the placement of the children in a residential child care facility which has been closed into appropriate facilities. A facility closed by the commissioner may not operate pending administrative or judicial review without court order. (1981, c. 44.)

§ 49-2B-13. Administrative and judicial review.

Any person, corporation, governmental official or child welfare agency, aggrieved by a decision of the commissioner made pursuant to the provisions of this article may contest the decision upon making a request for a hearing by the commissioner within thirty days of receipt of notice of the decision. Administrative and judicial review shall be made in accordance with the provisions of article five [§ 29A-5-1 et seq.], chapter twenty-nine-a of this Code. Any decision issued by the commissioner may be made effective from the date of issuance. Immediate relief therefrom may be obtained upon a showing of good cause made by verified petition to the circuit court of Kanawha county or the circuit court of any county where the affected facility or child welfare agency may be located. The pendency of administrative or judicial review shall not prevent the commissioner from obtaining injunctive relief pursuant to section five [§ 49-2B-5] of this article. (1981, c. 44.)

§ 49-2B-14. Annual reports; directory; licensing reports and recommendations.

(a) The commissioner shall submit on or before the first day of January of each year a report to the governor, and upon request to members of the Legislature, concerning the regulation of child welfare agencies, child placing agencies, day care centers, family day care facilities, family day care homes and

CC: JW
RS
6/26/01.

IN THE CIRCUIT COURT OF KANAWHA CO

ALLDREDGE ACADEMY,
a Delaware Corporation, registered
to do business in West Virginia

Plaintiff,

Highlighted
copy

CIVIL ACTION NO. 01-C-1758

WEST VIRGINIA DEPARTMENT
OF HEALTH AND HUMAN RESOURCES
and PAUL NUSBAUM, SECRETARY,

Defendant.

FILED
01 JUN 22 PM 3:45
KATHY S. GIBSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

AGREED ORDER

This matter is before the Court relative to a motion for a preliminary injunction filed on June 8, 2001 by the plaintiff, Alldredge Academy. The plaintiff seeks an injunctive order restraining the defendants, the West Virginia Department of Health and Human Resources and its Secretary, Paul L. Nusbaum (hereinafter, DHHR), from enforcing an order of closure issued on June 6, 2001, by DHHR against Alldredge Academy pursuant to West Virginia Code 49-2B-12. By Order of the Court on June 12, 2001, DHHR's order of closure was stayed until June 22, 2001 and the parties were directed to meet prior to said date in an effort to resolve the matters in controversy between them. Since that time the parties met in good faith on June 14, 2001 and again on June 19, 2001, as directed by the Court.

Whereupon, the parties, having reviewed the matters in controversy and reached certain agreements thereon, and being desirous of resolution of the matter without the admissions of allegations contained in the DHHR's order of closure or Alldredge Academy's motion for preliminary injunction, tendered onto the Court for consideration and approval a settlement

document entitled, "The Agreement between West Virginia Department of Health and Human Resources' and Alldredge Academy, Inc., for Interim Standards of Operation for Alldredge Academy."

Thereupon, after mature consideration, the Court finds that the settlement document is fair, reasonable and represents the best interest of all parties concerned. Further, the Court finds that the settlement documents represent a realistic and comprehensive plan in establishing interim standards to be met by Alldredge Academy and requiring Alldredge to go through applicable licensing processes. The Court further finds that the proposed settlement document serves the best interest of the children currently being served at Alldredge Academy as well as children served in the future.

Accordingly, it is hereby ORDERED that the settlement document attached hereto is approved and made a part of this Agreed Order.


It is further ORDERED that should the parties violate or not come into substantial compliance with any of the terms and conditions of the settlement document, they reserve the right to enforce this agreement through the power of this Court.

The Clerk of the Court is directed to send a certified copy of this AGREED ORDER to all counsel of record.


ENTERED this 22ND Day of June, 2001.

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF June 2001
CATHY S. GATSON, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA


Louis H. "Duke" Bloom, Judge



WILLIAM P. JONES (WV Bar #5745)
Assistant Attorney General
350 Capitol Street, Room 730
Charleston, West Virginia 25301
Counsel for the Defendants



THOMAS V. FLAHERTY (WV Bar #1213)
Flaherty, Sensabaugh & Bonasso, PLLC
P.O. Box 3843
Charleston, West Virginia 25338-3843
Counsel for the Plaintiff

The Agreement Between the West Virginia Department of Health and Human Resources and Alldredge Academy, Inc., for Interim Standards for Operation of Alldredge Academy

June 22, 2001

The West Virginia Department of Health and Human Resources (DHHR) and Alldredge Academy (Alldredge) hereby agree to the following interim standards to be met by the parties during the time it will take for Alldredge to go through applicable licensing processes, and/or such time as new legislation or regulations are created regarding licensure of Residential Child Care Facilities and/or Behavioral Health Centers which may govern Alldredge and its program.

1. The Board of Directors of Alldredge must be clearly established and available in writing, including identification of the President, who shall then be responsible for the development of written and adequate policies and operating procedures concerning organizational structure, personnel practices, admissions, care and treatment of children and discharge of children. The Board of Directors shall meet at least once per year and minutes of that meeting shall be available. Alldredge shall provide DHHR with an organizational chart ranging from Board, as appropriate, to line staff. Alldredge shall provide job descriptions for each position and then describe the educational and experiential qualifications of each staff person in detail.
2. Alldredge shall operate in conformance with those procedures, which shall be available in writing to staff at all levels.
3. All staff shall pass CIB checks at a minimum. Out of state employees shall be screened through NCIC.
4. All personnel will have written job descriptions kept in their files and available to properly authorized DHHR staff.
5. Alldredge shall employ an adequate number of appropriately trained staff to assure the safety and health of children at all times. Each group of children in the field shall have an appropriately trained staff person available at all times. In this case "appropriately trained" shall mean either possession of an appropriate academic degree in a mental health-related field with appropriate experience or staff who have been thoroughly trained in mental health issues with documentation of such training in their personnel files and extensive experience in the field of wilderness therapy.
6. There shall be a written plan of supervision for all staff. Field staff will be directly supervised by a mental health professional. That mental health professional shall

credentialed to complete the identified objective.

12. A case review conference shall be held with the child, parents and field staff, in conjunction with the supervising mental health professional before the child moves from one program to the next. Criteria for movement shall be clearly specified.
13. Opportunities for and methods of contact between the child and his/her parents shall be clearly dictated by policy and approved by the treatment team.
14. Disciplinary techniques shall be approved by the Board of Directors and shall be in writing. Discipline shall not be physically or emotionally damaging.
15. Suicidal threats will be assessed by the supervising mental health professional in a face to face interview within 12 hours. Parasuicidal behaviors such as wrist slashing shall be taken seriously and assessed by the supervising mental health professional personally within 4 hours. Alldredge shall have specific, written procedures to follow when dealing with a potentially suicidal child. Those procedures shall direct field staff as to how to proceed and shall be available to them at all times.
16. Alldredge shall also have written policies and procedures for dealing with emergencies such as elopements, burns, snake bites, exposure, etc. Those procedures shall be in writing and available to field staff at all times.
17. Alldredge has two options for administering medications. Medications may be administered by a registered nurse on site or children may self-administer medications. If children self-administer, they must be able to name their medication, the dosage, the scheduled time(s) of ingestion, the purpose/benefit of the medication, and the potential side effects of the medication. He/she must document ingestion of each dosage in records kept by field staff. Medications will be kept in a secure location by field staff.
18. Staff must be trained and supervised thoroughly. Such training and supervision must be documented. Training should include, at a minimum, a review of all policies and procedures; procedures for dealing with emergencies, elopement and suicidal behavior; first aid and CPR; graduated use of restraint; appropriate use of restraint; crisis intervention techniques; medications and their benefits and potential side effects; and other subjects as appropriate for camping life. In all cases, training will be conducted by instructors properly qualified in the subject area.
19. Alldredge shall have a policy and procedure for reporting adverse incidents including suicide attempts, death, abuse, neglect and injuries. A central file of

be duly licensed or certified to practice in West Virginia, or shall be working under the supervision of an individual duly licensed or certified to practice in West Virginia. Within six months of the approval of this agreement, the Alldredge Academy shall have a licensed or certified mental health professional on the clinical staff at all times.

7. Supervisory staff as described in Item #6 shall be accessible to field staff 24 hours per day, in person or by telephone.

8. Alldredge shall have written admission policies that specify the age, sex and types of needs for children for which Alldredge is qualified by staff, program and equipment to meet. This policy shall include some statement regarding diagnosis, if any, history of behavioral disturbance, if any, appropriate for admission.

9. The child shall receive within 24 hours of admission an evaluation addressing history; medical needs; current mental status; assessment of suicidality; description of personality, behavior and interests; school history; history of previous placements; statement of needs; and statement of immediate and long-term goals. This assessment shall be performed by a mental health professional duly licensed and /or certified to practice in West Virginia, or shall be working under the supervision of an individual duly licensed or certified to practice in West Virginia. Alldredge Academy shall not admit children whose presenting problems/needs for treatment as identified in the initial assessment exceed the immediate resources, qualifications of staff, and abilities of the Alldredge.

10. Alldredge shall have a specific policy regarding use of peer control, behavior management techniques, and restraints. Staff shall be trained in appropriate use of all.

11. Each child must have a specific educational, counseling and/or treatment plan developed within 7 days and based upon field staff and supervisory staff assessments as well as accumulated background information and the initial assessment. The educational, counseling and/or treatment plan describes the goals and objectives to be reached by the child/student. The educational, counseling and/or treatment plan shall be reviewed minimally each two weeks by the child, field staff and supervising mental health professionals, (known as the treatment team). The educational, counseling and/or treatment plan is available to field staff at all times. The educational, counseling and/or treatment plan shall be forwarded to parents and approved by them, as will reviews of progress. Educational, counseling and/or treatment plans are considered to be permission for treatment required by WV State Code and therefore treatment cannot proceed without parent/guardian permission. Educational, counseling and/or treatment plans shall specify goals, objectives, individual(s) responsible and estimated achievement date. The individual identified as being responsible shall be appropriately

incidents shall be maintained and shall be accessible to properly authorized DHHR staff at any time. This procedure must comply with state law with regard to Child Protective Services. DHHR agrees to provide Alldredge with such such requirements and training. Administration shall cooperate fully with mandated reporting requirements of all local, state and federal authorities.

20. Richard Workman, M.A., Licensed Psychologist, will be admitted to the wilderness and village components of the wilderness therapy experiences as previously arranged. A list of staff and their qualifications shall be made available to him at that time.
21. Alldredge Academy shall vigorously pursue filing a request for determination of reviewability to the West Virginia Health Care Authority. Time lines shall be determined by the Health Care Authority.
22. On or about August 1, 2001, the Office of Health, Facility, Licensure and Certification shall conduct a survey to ensure substantial progress toward compliance with these terms. Time frames shall be as follows: By August 1, 2001, policy and procedures as specified above shall be in place; initial assessments and educational, counseling and/or treatment plans shall be completed on all children; staff currently employed shall be properly trained as described above and the medication administration policy shall be properly implemented. By October 1, 2001 those staff who are eligible for licensure and/or certification in the state of West Virginia shall have made application to the appropriate licensure and certification body and shall be in the process of obtaining such licensure or certification. Staff shall be thoroughly trained in Alldredge Academy policy and procedure and such training shall be documented. If such compliance is not evident at either juncture, the State of West Virginia shall pursue closure of Alldredge. Child records will be made fully available at all times to those DHHR employees entitled by statute to unlimited access in unredacted form.
23. Alldredge shall provide to DHHR a current list of all children currently enrolled in each phase of the program to include name, address and telephone numbers of each child's parent(s) or custodian. That list shall be updated each two weeks as new admissions occur and discharges take place. The parties agree that the list of students and parents, including their addresses, is confidential and is not subject to the West Virginia Freedom of Information Act. DHHR shall destroy said list each time a new list is provided.
24. As part of an ongoing Child Protective Services investigation, Alldredge shall provide a copy of the case record of Dan W. to the Office of Social Services of DHHR no later than June 25, 2001.
25. No statement contained in this document shall prohibit the parties' from taking

appropriate legal or administrative action if such becomes necessary and appropriate. DHHR shall provide 72 hour written notice to the parents prior to any removal of children.