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COMPLAINT PROCESS FACT SHEET

- Before filing a complaint with the Division of Public and Behavioral Health, first consider talking with the facility management. Each facility has a director, administrator, or risk manager who is responsible for the day-to-day operation of the facility. Many situations can be immediately corrected by speaking with the person in charge at the time the event occurred.
- Even after filing a complaint with the Division of Public and Behavioral Health, you may still consider talking with the facility management to see if they can remedy the situation quickly. We will assist you in cancelling your complaint if your situation is resolved to your satisfaction by the facility.
- HIPAA and Privacy issues: A healthcare facility has specific policies that must be followed in protecting a Patient's privacy in order to be in compliance with the Health Insurance Portability and Accountability Act (HIPAA), which is regulated through the Office of Civil Rights. While our division may be able to investigate your complaint, there may be no regulatory deficiency within our regulations- we will only be able to investigate if the facility is following their policies.
- How are complaints received? The Division of Public and Behavioral Health receives complaints by various means of communication, such as: telephone, e-mail, regular mail, news media etc.
- Who files complaints? The Division of Public and Behavioral Health receives complaints from various sources, such as: patients, family members of patients, health care workers, other state agencies, police, fire and emergency medical personnel, patient advocates, accreditation organizations, professional boards and any party who becomes aware of possible regulatory violations within facilities.
- How are complaints prioritized? Each complaint is assessed by a qualified person trained to determine whether the allegations present a situation that may cause substantial harm, minimal harm, or no harm. Each allegation is further assessed to determine whether there is a regulation or law related to the allegation. Based on these assessments, complaints are generally given priorities based upon the type of facility, as follows:
 - Substantial harm = investigation may begin within 1 - 10 days
 - Minimal harm = investigation may begin within the next 45 to 365 days
 - No harm = investigation will begin as soon as possible up to 365 days, or at the next onsite survey.

- Some other factors considered during prioritization include when the event occurred (if the event occurred in the distant past – for example, more than one year prior to filing the complainant, the priority may be adjusted accordingly), the relevance of the information given to regulatory violations (if the information is difficult to align with regulations, the priority may be adjusted accordingly).
- Our investigators use several methods to investigate complaints, such as: conducting interviews with the clientele receiving care from the facility, care staff and administration. Records, policies, and contracts are reviewed and observations of current conditions and situations at the facility are made.
- Not all complaints require an on-site visit, some only require record/document retrieval, others may only require phone contacts to make compliance decisions, yet others may be resolved by organized contacts with the facility administration, the complainant, and the Bureau investigator. The Bureau uses whatever methods will result in the most efficient, yet thorough investigation as possible.
- What are the potential outcomes? Investigators do not decide whether an event occurred, but rather did violations of laws or regulations occur. Each allegation is either substantiated (resulting in a citation) or not substantiated (no citation). If citations are made, a written notice is provided to the facility, and the facility must respond with a plan to correct the violations. Results of investigations are not released to anyone until the facility has had a chance to respond to the citations and the Division has accepted their plans for corrections of those citation.

The results of investigations are posted to the Division of Public and Behavioral Health website at:

FindAHealthFacility.nv.gov

- There are several levels of citations and depending on the level, sanctions may be imposed. There are a wide range of available sanctions including: monetary fines, limits on occupancy and revocation of a license. However, the Division of Public and Behavioral Health does not have the authority to terminate an employee or facility administrator.
- For other types of complaints, please refer to the Complaint Help Line found on our website:

<http://dpbh.nv.gov/Reg/HealthFacilities/HealthFacilities - Home>