

Compliance Agreement
Division of Public and Behavioral Health and Lake's Crossing Center

This Compliance Agreement is made and entered into effective on the 10th day of January, 2023, by, between, and among the Division of Public and Behavioral Health (hereinafter "Division") and Lake's Crossing Center (hereinafter "LCC"), License #4963-HOS.

RECITALS:

A. The goal of this compliance agreement is to enable Lake's Crossing Center (LCC) to mitigate the ligature risks by removing partial walls and continue operations without conforming to both The Facility Guidelines Institute (FGI Guidelines), "Guidelines for Design and Construction of Hospitals (2018 edition)" for psychiatric hospital requirements related to access to a toilet rooms (four wall enclosures with a door) without having to enter the corridor (Section 2.5-2.2.2.6); and NAC 449.3154(7), which provides notwithstanding any provision of this section to the contrary, a hospital which was licensed on January 1, 1999, shall be deemed to be in compliance with this section if the use of the physical space in the hospital does not change and the existing construction of the hospital does not have any deficiencies which are likely to cause serious injury, serious harm or impairment to public health and welfare."

B. LCC is a state-run facility and is located at 500 Galletti Way, Sparks, Nevada 89431. The facility is a forensic psychiatric hospital. The LCC building has four housing wings. Three of the four housing wings (Rust, Blue and Brown) are currently included in a Nevada State Public Works Board (NSPWB) Capital Improvement Project (CIP) to remove the half walls within the patient rooms that act as modesty shielding when viewing through the corridor doors' vision panels. The fourth wing (Green) would be part of a future and similar CIP. The partial walls have been determined to be a ligature and safety risks, thus their proposed and planned removal activity by the facility and NSPWB. There are also some other patient rooms without any toilet room barriers and doors; and other rooms without any toilet (For the latter, see Variance Case #615 approved by the Nevada Board of Health (NBOH) on February 2008).

C. The State has requested that the LCC continue to move forward with the partial wall removal as part of NSPWB current CIP 21-M02-(1) for the three wings, and for the future NSPWB CIP for Green Wing, to enhance patient safety; and to allow time for the facility to request a variance to either not have the toilet rooms and to remove the remaining partial (modesty) walls to prevent ligature risks (FGI Guidelines). The facility has on their own volition volunteered to make the patient rooms single occupancy rooms and to establish all areas of noncompliance at LCC to present to the NBOH for variance(s), or the possibility for the facility and/or NSPWB corrective action of any noncompliance. The NSPWB CIP 21-M02-(1) is planned to begin late 2022. If the project does not move forward, there is a potential for the CIP funding to be at risk and the project not occurring.

D. The LCC is required to accept court ordered forensic patients from the community. LCC wants to ensure that they can provide these patients' care in a safe environment when in their custody. LCC is like any health care facility, it operates under many constraints where timing of activities and available resources do not readily correspond at the same and appropriate times. One of the constraints is the construction requirements found in (the previous and) current code as outlined in the FGI Guidelines requirements. Another constraint has been the recent increase focus from other authorities having jurisdiction concerning ligature and other patient hazards as emphasized by Centers of Medicare and Medicaid Services (CMS) and The Joint Commission.

E. The Division intends to move forward with approaching the Nevada Board of Health to support a facility request to obtain a variance to not have bathroom walls and bathroom doors to create a safer living environment for forensic patients.

F. Nevada Administrative Code (NAC) 439.280(3) provides the following: in those areas of the State which are not in a health district, or in case of a regulation enforced exclusively by the State Board of Health, the Chief Medical Officer may postpone the enforcement of and agree to a schedule for

compliance with the regulation. If the period needed by such a person to comply exceeds 45 days, the schedule must be submitted to the State Board of Health for approval.

NOW, THEREFORE, it is hereby agreed as follows:

1. The Chief Medical Officer agrees to the above described temporary use of the currently licensed hospital area without requiring changes to the hospital licensure.

TERM OF AGREEMENT:

2. This Agreement shall remain in effect for 45 days, unless such approval is received by the Board of Health. If approved by the Board of Health, this Agreement shall remain in effect until such time as LCC receives a variance from the Board of Health to remedy the licensure issues referenced herein, or until the Chief Medical Officer terminates this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first above written.

LAKES CROSSING CENTER

Signed: 
DREW CROSS, Administrator

Date: 1/10/23, 22

NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Signed: 
IHSAN AZZAM, Chief Medical Officer

Date: 01/10/2023, 22

Approved by Board of Health on:

Signed: _____
LISA SHERYCH, Administrator, Division of Public and Behavioral Health,
Executive Officer of Board of Health

Date: _____, 22