

# Bureau of Health Care Quality & Compliance (HCQC) Activities

Paul Shubert, Chief, HCQC

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# ABOUT DPBH

## MISSION

To protect, promote, and improve the physical and behavioral health and safety of all people in Nevada, equitably and regardless of circumstances, so they can live their safest, longest, healthiest, and happiest life.

## VISION

A Nevada where preventable health and safety issues no longer impact the opportunity for all people to live life in the best possible health.

## PURPOSE

To make everyone's life healthier, happier, longer, and safer.



**ALL** IN GOOD HEALTH.

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# AGENDA

1. Discuss HCQC responsibilities specific to behavioral health facilities
2. Discuss facility reporting responsibilities and the Commission's responsibilities regarding denial of rights reporting
3. Discuss LCB auditor inquiries regarding denial of rights reporting
4. Discuss HCQC's recent activities associated with denial of rights reporting
5. Answer questions...

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# Behavioral Health Facilities



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- Hospitals with Psych Units and Psychiatric Hospitals (State Operated, Private), (3, 15)
- Psychiatric Residential Treatment Facilities (PRTF), (14)
- Residential Facilities for Groups with Mental Illness endorsement (RFG), (164)
- Certified Community Mental Health Centers (CCMHC), (0)
- Certified Community Behavioral Health Clinic (CCBHC), (11)
- Community-Based Living Arrangement (CBLA), (142)
- Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), (8)

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# HCQC Responsibilities



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- HCQC receives applications, conducts inspections and licenses health care facilities in accordance with statutes and regulations.
- HCQC receives complaints and conducts investigations in health care facilities.
- HCQC completes surveys and certification activities on behalf of CMS in multiple different types of health care facilities.

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# Denial of Rights Reporting



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## Mental Health Facilities

### NRS 433.534

- (1) Indicates the rights of a consumer must not be denied except to protect the consumer's health and safety and to protect the health and safety of others. All occurrences must be reported by facility staff.
- (2) Requires a copy of full reports regarding denial of rights (DOR) must be sent to the Commission.
- (3) Indicates the Commission may investigate apparent violations, may act on behalf of consumers, obtain remedies and shall otherwise endeavor to safeguard rights.



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# Denial of Rights Reporting cont.

ICF/IID Facilities

NRS 435.006

- (2) Indicates the provisions of NRS 433.545 to 433.551 and chapter 433A also apply to individuals with intellectual disabilities (IID)
- So, all of the same reporting must occur for DOR situations that occur in ICF/IID facilities



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# Denial of Rights Reporting cont..

Persons With A disability In Health Care Facilities

NRS 449A.263

- (2) Indicates a copy of the DOR report must be provided to DPBH.
- (3) Indicates DPBH may investigate apparent violations and may act to resolve disputes.

\*We are inquiring with our DAG to determine whether DOR reports that are sent to the Commission will also satisfy this requirement, due to the relationship of the Commission and DPBH.



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# LCB Auditor Inquiries



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- During an audit of children's facilities, HCQC was contacted by LCB auditors regarding enforcement of DOR laws.
- HCQC was not being audited, but there were questions regarding our interpretation of the laws... with regards to the facilities we regulate where children are patients.
- HCQC explained that we recognize that both physical holds and chemical restraints may be considered a DOR.
- HCQC also explained that we recognize the requirement for all DORs to be documented and reported as indicated in the statutes.

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# HCQC Recent Activity



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- Subsequent to the LCB auditor inquiries, HCQC scheduled investigations of all of the ICF/IID facilities, to determine whether DOR reports are being sent to the Commission.
- As resources are available, HCQC plans to review all facilities where DOR is a possibility, to ensure compliance with reporting statutes.

# QUESTIONS?

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# CONTACT INFORMATION



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# ACRONYMS

- DOR – Denial of Rights
- HCQC – Bureau of Health Care Quality and Compliance
- CMS – Centers for Medicare and Medicaid Services
- ICF/IID – Intermediate Care Facility for Individuals with Intellectual Disabilities
- LCB – Legislative Council Bureau
- DAG – Deputy Attorney General



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