

Licensing and Regulatory Compliance: Who we are and What we do

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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.

AGENDA

The overall objective of the presentation is to familiarize the audience with the role of the Division of Healthcare Quality and Compliance.

1. Introduction - who we are and what we do
2. Complaints
3. Licensure/Certification Surveys

WHO IS HCQC?



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Bureau of Health Care Quality & Compliance

The Bureau of Health Care Quality and Compliance (HCQC) is a division beneath the Division of Public and Behavioral Health and Department of Health and Human Services with an office in Carson City and an office in Las Vegas. Between the Northern and Southern offices, we currently have a staff of approximately 65 investigators, supervisors, managers, office managers and a Bureau Chief. Our Administrative Assistant (AA) staff consists of seven AAs in Las Vegas who are responsible for office management, Complaint and Facility Reported Incident intakes and monitoring, assisting with construction plans, completion and filing of survey packets, and coordination with CMS (Centers for Medicare/Medicaid Services) for facility notifications and applications. The Carson City office has 11 AAs with responsibilities to include processing facility applications for licensure, travel, background checks and fiscal.

- ★ **Our primary function is the licensure and regulation of medical and non-medical facilities for compliance under State and Federal regulations.**

Information regarding facility licensing, or applying for a facility license can be found on our website at:
https://dpbh.nv.gov/Reg/HealthFacilities/dta/Licensing/Health_Facilities_-_Licensing/

FACILITY LICENSING



Search for currently licensed health facilities?
FindAHealthFacility.nv.gov

Adult Day Care	Alcohol/Drug Abuse Treatment Facilities
Assisted Living Facilities/ Residential Facilities for Groups	Businesses that Provide Referrals to Residential Facilities for Groups
Community-Based Living Arrangements	Community Triage Centers
Dialysis Centers	Domestic Violence Treatment Programs
Employment Agency to Provide Nonmedical Services	Freestanding Birthing Centers
Homes for Individual Residential Care	Home Health Agencies
Hospice Programs and Facilities	Hospitals
Independent Centers for Emergency Medical Care	Intermediary Service Organizations
Intermediate Care Facilities	Intermediate Care Facilities for Persons with Intellectual Disabilities
Medical Detoxification Facilities	Facility for Treatment with Narcotics
Mobile Units	Outpatient Facilities
Nursing Pools	Recovery Care Centers
Personal Care Agencies	Rural Clinics
Psychiatric Residential Treatment Facilities	Surgical Centers for Ambulatory Patients
Refractive Surgery Centers	Transitional Living Facilities for Released Offenders
Skilled Nursing Facilities	Programs for the Treatment of Persons Who Solicit Prostitution

- HCQC licenses over 30 different types of facilities.
- HCQC certifies 7 facility types that do not require licensure but can obtain CMS certification.
 - Certified Community Behavioral Health Centers (CCBHC)
 - Community Mental Health Centers (CMHC)
 - Comprehensive Outpatient Rehabilitation Facilities (CORF)
 - Outpatient Physical Therapy or Speech Pathology Services (OPT)
 - Portable X-Ray (PXR)
 - Responsibilities of Medicare Participating Religious Nonmedical healthcare Institutions
 - Organ Procurement Organizations

FACILITY LICENSING CONT'D



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Health and Medical Care Facilities

- The Bureau licenses and regulates health facilities in Nevada in accordance with Nevada Revised Statutes (NRS) Chapter 449.
- The Bureau also has an agreement with the federal Centers for Medicare and Medicaid Services (CMS) to certify medical facilities, providers and skilled nursing facilities in the Medicare and Medicaid reimbursement programs. These facilities are required to have a State of Nevada license before they can apply to become certified.
- The Bureau routinely conducts unannounced compliance surveys for all facility types on a specified time frame (annually, biannually, etc.)
- The Bureau also conducts complaint investigations for all licensed and/or certified facilities.
- Investigations are also conducted for complaints with allegations that a facility is operating without a license (unlicensed facility), and the complainant believes the facility should be licensed.

COMPLAINT PROCESS



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How are complaints received?

- The Bureau of Health Care Quality and Compliance (HCQC) receives complaints by various means of communication such as: online submission, telephone, in-person, fax, e-mail, regular mail, news media, etc.
- Complainants may also leave a message about filing a complaint 24/7 by calling 702-668-3250. Calls are returned within 24 hours or the next business day.

Who files complaints?

- HCQC receives complaints from various sources such as: Patients, Family members, Friends, Health care workers, other state agencies, police, fire and emergency medical personnel, patient advocates and professional boards (Nevada Board of Nursing, Board of Medical Examiners)
- Complainants may also file any complaint anonymously.

FILING A COMPLAINT



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Of Note:

- 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.
- Even after filing a complaint with the Division of Public and Behavioral Health, you may consider talking with the facility management to see if they can remedy the situation. 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 to be compliant 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 a privacy complaint, there may be no regulatory deficiency within our regulations regarding a HIPAA violation- we will only be able to investigate if the facility is following their policies.

FILING A COMPLAINT CONT'D



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ADA Concerns:

HCQC would review various state regulations available to us through Chapter 449, (which differ throughout the different facility types) which would address the safety and environment of the patient/resident and the facility's ability to provide the appropriate care and/or the ability of the facility to meet the needs of the patient/resident.

Admission to facilities:

When a complaint is received regarding a facility refusing to admit or provide care to a patient/resident, HCQC would review the facility's policies and review other records and documents for admission processes to determine if the facility was compliant with state requirements and a potential citation may be indicated. If the facility is a federally certified facility, there may also be potentially stronger federal citations that could be issued for the concerns.



WHAT IS THE PROCESS FOR WHEN A COMPLAINT IS RECEIVED?

Prioritization of a complaint

- The assessment and prioritization of each complaint must be completed by an individual who is qualified to evaluate the nature of the problem based on their specific qualifications and knowledge of the applicable regulatory requirements and knowledge of current clinical standards of practice where applicable.
- The supervisor/manager will review the complaint intake allegations and assign the priority based on the specific program directives:
 - Immediate Jeopardy = up to 3 Business Days
 - High = 10 - 45 days
 - Medium = 45 - 365 days
 - Low = next scheduled inspection

★ Complaint investigations are always unannounced.

The results of investigations are posted to the Division of Public and Behavioral Health website at:
[FindAHealthFacility.nv.gov](https://www.findahealthfacility.nv.gov)

COMPLAINT SURVEYS



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What are the potential outcomes?

Each complaint 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.

Investigators do not substantiate whether an event occurred, but rather whether there were violations of laws or regulations.

There are several levels of citations and depending on the level, sanctions may be imposed against the facility. 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.

- File a complaint online at: <https://dpbh.nv.gov/Reg/HealthFacilities/dta/Complaints/HCQC-Complaint-Form/>
- Results of investigations are posted to the HCQC website FindAHealthFacility.nv.gov

QUESTIONS?



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