

Review Highlights



Highlights of Legislative Auditor report on the Review of Governmental and Private Facilities for Children issued on May 24, 2016. Report # LA16-13.

Background

Nevada Revised Statutes 218G.570 through 218G.585 authorize the Legislative Auditor to conduct reviews, audits, and unannounced site visits of governmental and private facilities for children.

As of June 30, 2015, we had identified 59 governmental and private facilities that met the requirements of NRS 218G: 19 governmental and 40 private facilities. In addition, 125 Nevada children were placed in 22 facilities in 13 different states as of June 30, 2015.

NRS 218G requires facilities to forward to the Legislative Auditor copies of any complaint filed by a child under their custody or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child. During the period from July 1, 2014, through June 30, 2015, we received 1,183 complaints from 36 facilities in Nevada. Twenty-three facilities reported that no complaints were filed during this time.

Purpose of Reviews

Reviews were conducted pursuant to the provisions of NRS 218G.570 through 218G.585. This report includes the results of our reviews of 5 children's facilities, unannounced site visits to 11 children's facilities, and a survey of 59 children's facilities. As reviews and not audits, they were not conducted in accordance with generally accepted government auditing standards, as outlined in *Government Auditing Standards* issued by the Comptroller General of the United States, or in accordance with the *Statements on Standards for Accounting and Review Services* issued by the American Institute of Certified Public Accountants.

The purpose of our reviews was to determine if the facilities adequately protect the health, safety, and welfare of the children in the facilities, and whether the facilities respect the civil and other rights of the children in their care. These reviews included an examination of policies, procedures, processes, and complaints filed since July 1, 2013. In addition, we discussed related issues and observed related processes during our visits. Our work was conducted from October 2014 through December 2015.

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Summary

Based on the procedures performed and except as otherwise noted, the policies, procedures, and processes in place at four of the five facilities reviewed provide reasonable assurance that they adequately protect the health, safety, and welfare of the youths at the facilities, and they respect the civil and other rights of youths in their care.

The policies, procedures, and processes at Northwest Academy (Academy) need to be improved in order to provide reasonable assurance that it adequately protects the youths in its care. Policies and procedures related to health, safety, welfare, civil, and other rights were incomplete and not incorporated into a comprehensive set of policies and procedures. Five of the eight youths' files we reviewed indicated they were prescribed at least one psychotropic medication after admission to the Academy, and none of the five files contained an adequate consent from the person legally responsible for the psychiatric care of the youths. In addition, the Academy did not have policies or procedures to verify the medication received when youths are admitted. For example, staff do not document that the medications received match the medication bottles or verify any other information received from the placing agency. (page 40)

Facility Observations

In this report and the two prior reports, we have noted three concerns that could potentially impact the health and safety of children at several of the facilities reviewed. These concerns are related to facilities' compliance with state law requiring the consent of the person legally responsible for the psychiatric care of children prior to administering psychotropic medications; the disposal of medications; and employee fingerprint background check requirements at certain mental health treatment facilities. (page 7)

Three of the five facilities reviewed for this report needed to improve their processes and procedures for obtaining consent to administer psychotropic medications to youths from the persons legally responsible for the psychiatric care of each youth. Two of the facilities' forms for obtaining consent did not contain the information required by NRS 432B.4687(2), and the third's policies require the youth to sign the form rather than the person legally responsible. This or a similar concern has been repeated during several of our recent facility reviews. Our two prior reports, issued in April 2014 and October 2014, include reviews of 13 facilities. Of those 13 facilities, 4 either did not have an adequate process or procedure for obtaining the required consent or did not have documentation that consent was obtained for some youths. (page 7)

Four of the five facilities included in this report need to improve their methods or documentation of the destruction of expired, unused, or wasted medications. Two facilities dispose of unused medications by flushing them in a toilet, placing them in the garbage, or crushing and rinsing them down a sink with water. Two other facilities did not have adequate policies or procedures describing acceptable methods of destruction of medication. Disposing of medications by flushing, rinsing, or putting in the garbage are not in compliance with the intent of the federal Secure and Responsible Drug Disposal Act of 2010. The Act's goal is to decrease the amount of pharmaceutical controlled substances introduced into the environment, particularly into the water. Nine of the thirteen facilities included in the prior two reports also needed to improve their methods or documentation of the destruction of medications. (page 8)

Some mental health treatment facilities licensed by the Bureau of Health Care Quality and Compliance (Bureau) within the Department of Health and Human Services have not been able to obtain fingerprint-based background checks of current or potential employees using the requirements found in NRS 449.123. Facilities that provide acute psychiatric services to children are not required to obtain fingerprint-based background checks for employees working with children, even though the children may spend more than a week at the facilities. NRS 449.123 requires all medical facilities that provide residential services to children to obtain fingerprint-based background checks of employees at least every 5 years. However, NRS 449 does not include a definition of "residential services" and the Bureau has interpreted "residential services" according to the definition used by Medicaid and Medicare. The Legislature may wish to consider enacting legislation to amend NRS 449 to include a definition of "residential services" to encompass all psychiatric hospitals that provide inpatient treatment and services to children. (page 9)