

Review Highlights



Highlights of Legislative Auditor report on the Review of Guidelines for Licensing Children's Facilities issued on January 17, 2018. Report # LA18-15.

Background

Nevada Revised Statutes authorize the Legislative Auditor to conduct reviews, audits, and unannounced site visits of governmental children's facilities. In addition, NRS authorizes the Legislative Auditor to conduct reviews and unannounced site visits of private children's facilities.

Four governmental agencies license children's facilities in Nevada. The Bureau of Health Care Quality and Compliance (HCQC) licenses child care facilities and institutions, psychiatric hospitals, and residential facilities for the treatment of abuse of alcohol or drugs. HCQC is part of the Nevada Department of Health and Human Services, Division of Public and Behavioral Health.

The Washoe County Human Services Agency (HSA) licenses foster homes, including specialized and group foster homes, and foster care agencies located in Washoe County. The Clark County Department of Family Services (DFS) licenses foster homes, including specialized and group foster homes, and foster care agencies located in Clark County. The Division of Child and Family Services (DCFS) licenses foster homes, including specialized and group foster homes, and foster care agencies located in the 15 rural counties. DCFS is part of the Nevada Department of Health and Human Services.

Purpose of the Review

The purpose of this review was to determine if the guidelines used by the agencies that license facilities where children may be placed by a court are reasonably adequate to help ensure the facilities protect the health, safety, welfare, and civil and other rights of the children in the facilities. In addition, we reviewed child welfare agencies' policies and procedures to determine if the agencies have adequate processes to ensure children in their custody have the consents of the persons legally responsible for the psychiatric care of the children before psychotropic medications are administered to the children.

This review included an examination of policies, procedures, checklists, and other documents used by the licensing agencies to inspect and review facilities during calendar year 2017.

Review of Guidelines for Licensing Children's Facilities

January 2018

Summary

The tools and written guidance licensing agencies provide to staff for reviewing facilities that have applied for new or renewed licenses need to be updated and to provide more explanatory detail. Key areas are sometimes missing from the guidance, such as informing youths of their rights, having established grievance processes, or mandatory reporting of known or suspected instances of abuse or neglect of a child. Licensing agencies generally use checklists, which refer to the applicable regulation or statute, rather than written policies and procedures. The checklists generally do not contain sufficient explanatory information for the licensing staff. In addition, most checklists were not dated and did not contain evidence of management approval or review.

Incomplete policies, procedures, and checklists may have resulted in some facilities not obtaining written consent from the person legally responsible for the psychiatric care of a child (PLR) prior to administering psychotropic medications to a child in the custody of a child welfare agency. NRS 432B.4688 forbids a temporary caregiver from administering a psychotropic medication to a child in the custody of a child welfare agency without the prior written consent of the PLR, except in certain situations. Some facilities may not be aware of the requirements of NRS 432B.4688 because the Bureau of Health Care Quality and Compliance (HCQC) does not address the requirements in its licensing information or regulations. In addition, some facilities may be unable to comply with NRS 432B.4688 because they may not have been provided with a copy of a consent or a copy of the withdrawal or denial of consent.

Facility Observations

HCQC does not have policies and procedures to help guide staff when reviewing child care facilities or institutions. Instead, staff use a survey report form, which is a checklist, and a semi-annual checklist for child care facilities and a different survey checklist for child care institutions. Although these checklists are referenced to NAC 432A, they do not provide complete guidance to staff to help ensure the facilities protect the health, safety, welfare, and rights of the children in the facilities. For example, the checklists do not mention that residents of a facility or institution who are over the age of 18 must pass a background investigation unless the resident has been placed at the facility pursuant to the order of a court. (page 7)

HCQC does not have written policies and procedures for licensing psychiatric hospitals, but staff use a checklist for hospitals that has additional steps for psychiatric services. However, the checklist is not specific to youths. For example, the checklist does not contain any requirements for background investigations of staff who care for youths as required by NRS 449.123. (page 10)

HCQC does not have written policies and procedures for licensing facilities for the treatment of abuse of alcohol or drugs, but does use a checklist called a surveyor workbook. However, while the checklist requires medication administration policies and procedures, it does not include documentation of physician's orders or ensuring written consent from the PLR is obtained prior to administering psychotropic medications to a youth in the custody of a child welfare agency. (page 12)

None of the three child welfare agencies included in this review (DCFS, DFS, and HSA) have policies or procedures to assist staff with reviewing foster care agencies' policies and practices. DFS and HSA use checklists or attachments to provider applications to review documents submitted during the licensing process. DCFS reported using the requirements in NRS 424 to review foster care agencies, but this is not formalized into policies, procedures, or checklists. (page 14)

The three child welfare agencies also license specialized foster homes and group foster homes. Generally, the three agencies use checklists and questionnaires to inspect the homes and checklists to ensure the homes submit all required information with or in their applications. However, they do not have policies and procedures to provide direct guidance to the licensing staff. While the home inspection checklists cover multiple aspects of the health, safety, welfare, and rights of the children, they are weak in certain areas. Most notably, the checklists generally do not include a review of the homes' policies and procedures. For example, the checklists ask the licensing staff to conclude on two different pages whether unused prescribed medications are destroyed. It does not ask the licensing staff to review the homes' procedures for destroying medication, such as when it should be destroyed, how it should be destroyed, by whom it should be destroyed, and how the destruction should be documented. (page 17)