



SOUTH DAKOTA  
DEPARTMENT OF HEALTH

Chris Qualm, Administrator  
Office of Health Facilities Licensure and Certification  
Redefine Nursing Home Criteria and Build Capacity  
Workgroup

October 2, 2019



# Overview of Regulations and Survey Results for Behavioral Health Services in Nursing Homes

- **Regulations that impact behavioral health services**
- **Survey criteria for behavioral health facilities**
- **Numbers of facilities in SD with behavioral health deficiencies**
- **Common deficiencies found related to behavioral health**



# Office of Licensure and Certification

*The mission of the South Dakota Department of Health, Office of Health Facilities Licensure and Certification is to partner with consumers, families, healthcare providers, healthcare organizations, and other regulatory agencies to ensure the health, safety, and appropriate care of patients and residents in South Dakota.*



# On-site Surveys

The Office of Health Facilities Licensure and Certification (OLC) staff are responsible for the Health and Life Safety inspections and licensure of health care facilities in South Dakota.

Medicare and Medicaid certification of existing and new health care facilities and providers.

CMS maintains oversight for compliance with the Medicare health and safety standards.



# Health and Safety – *federal regulations*

Resident Rights  
Resident Assessments  
Quality of Life  
Quality of Care  
Administration  
Infection Control  
Physical Environment

Physician Services  
Nursing Services  
Behavioral Health Services  
Pharmacy Services  
Dental Services  
Food and Nutrition Services  
Specialized Rehabilitative Services

Freedom from Abuse, Neglect, and Exploitation  
Admission, Transfer, and Discharge  
Comprehensive Resident Centered Care Plans  
Laboratory, Radiology, and Other Diagnostic Services  
Quality Assurance and Performance Improvement  
Compliance and Ethics Program  
Training Requirements



# Survey - Conditions of Participation

Deficiencies Identified by Federal Regulation (Tag) Number

Scope and Severity (S/S)

LEVEL 4	Immediate Jeopardy To Resident Health Or Safety	ISOLATED J	PATTERN K	WIDESPREAD L
LEVEL 3	Actual Harm That Is Not Immediate Jeopardy	ISOLATED G	PATTERN H	WIDESPREAD I
LEVEL 2	No Actual Harm With Potential For More Than Minimal Harm That Is Not Immediate Jeopardy	ISOLATED D	PATTERN E	WIDESPREAD F
LEVEL 1	No Actual Harm With Potential For Minimal Harm	ISOLATED A	PATTERN B	WIDESPREAD C



# Regulations Impacting Behavioral Health

## § 483.40 Behavioral Health Services –

- F740 Behavioral Health Services
- F741 Sufficient/competent staff – behavioral health needs
- F742 Treatment/services for mental/psychosocial concerns
- F743 No pattern of behavioral difficulties unless unavoidable
- F744 Treatment/services for dementia
- F745 Provision of medically related social services



# Regulations Impacting Behavioral Health — *others that may pertain*

- F550 Resident rights
- F600 Free from abuse, neglect, and exploitation
- F603 Free from involuntary seclusion
- F604 Free from physical restraint
- F605 Free from chemical restraint
- F656 Develop/implement comprehensive care plan
- F658 Services provided meet professional standards
- F675 Quality of Life
- F679 Activities meet interest/needs of each resident
- F757 Drug regimen free from unnecessary drugs
- F758 Free from unnecessary psychotropic meds/PRN use
- F943 Abuse, neglect, exploitation training





# Regulations Impacting Behavioral Health — *others that may pertain*

Regulations going into effect as of November 28, 2019:

- F699 Trauma informed care
- F941 Communication training
- F942 Resident rights training
- F949 Behavioral health training defined by facility assessment



# Survey Criteria for Behavioral Health Facilities

All facilities licensed as a long-term care facility are required to be in compliance with the Rules of Participation for Medicare and Medicaid.

CMS Appendix PP is the federal regulation set



# Numbers of Facilities in SD with Behavioral Health Deficiencies

**07/01/2018 – 06/30/2019**

Total of 484 (Health) Deficiencies were written in Nursing Homes.

- 22 Behavioral Health deficiencies written at 20 of the 107 licensed nursing homes.
- 18 S/S D
- 3 S/S E
- 1 S/S G



# Common Deficiencies Found Relating to Behavioral Health

**07/01/2018 – 06/30/2019**

- F740 Behavioral Health Services - 6
- F741 Sufficient/competent staff – behavioral health needs - 0
- F742 Treatment/services for mental/psychosocial concerns - 1
- F743 No pattern of behavioral difficulties unless unavoidable - 0
- F744 Treatment/services for dementia - 2
- F745 Provision of medically related social services - 13



# Facility licensing difference between HSC and community - based nursing home

All nursing home must comply with the same "conditions of participation" (CoPs).

