

CHAPTER 31

DIVISION OF HEALTH CARE QUALITY

BOARD OF HEALTH ROLE AT A GLANCE

- Refer town residents with inquiries or complaints about quality of care in a local medical or long-term care facility to DPH's Division of Health Care Quality.

OVERVIEW

The mission of the Department of Public Health's Division of Health Care Quality is to protect the health and safety of patients and residents who receive care and services from the Commonwealth's 6,000 licensed and/or certified health care facilities. The Division licenses and certifies a variety of health care facilities, providers, and medical suppliers, conducts suitability reviews of all prospective licensees, conducts surveys for provider Medicare/Medicaid certification, investigates complaints of mistreatment or abuse of residents of long-term care facilities, and coordinates enforcement action when re-certification and re-licensure surveys indicate non-compliance with regulatory requirements and/or substandard quality of care.

BOARD OF HEALTH RESPONSIBILITIES

- Refer community residents with complaints about the quality of care at local medical facilities and institutions to the Division of Health Care Quality's Complaint Unit.

The Complaint Unit maintains a telephone hotline to allow consumers and mandatory reporters under the Patient Abuse Law to report complaints of substandard care. Calls are screened to determine the nature of the report. Calls which indicate the possibility of an immediate threat to a patient's health or safety are investigated immediately. In accordance with the Patient Abuse Law, callers reporting patient abuse, mistreatment, or neglect are requested to provide additional information in writing. A letter of acknowledgment is sent to each complainant upon receipt of the complaint, and a copy of the Division's findings are mailed back to him or her upon completion of the investigation. The Complaint Unit's telephone hotline can be reached from 9:00 am to 5:00 pm by calling (800) 462-5540.

STATE RESPONSIBILITIES

- Pursuant to several Massachusetts General Laws and DPH licensure and Determination of Need regulations, the Division of Health Care Quality is responsible for licensing the following six types of providers and suppliers:

- Long-Term Care Facilities (nursing, convalescent, and rest homes) - M.G.L. c.111, section 71
- Hospitals - M.G.L. c. 111, section 51
- Clinics - M.G.L. c.111, sections 51-56
- Out-Of-Hospital Dialysis Units - M.G.L. c.111, sections 3, 51A, and 53
- Hospices - M.G.L. c.111, sections 3 and 57D
- Clinical Laboratories - M.G.L. c. 111D.

The Division is also responsible for certifying the following thirteen categories of providers and suppliers:

- Ambulatory Surgical Centers
 - Clinical Laboratories
 - Community Mental Health Centers
 - Comprehensive Outpatient Rehabilitation Facilities
 - End-Stage Renal Disease Units
 - Home Health Agencies
 - Hospices
 - Hospitals
 - Intermediate Care Facilities for the Mentally Retarded
 - Nursing Homes (Skilled Nursing and Nursing Facilities)
 - Outpatient Physical Therapy / Rehabilitation Agencies
 - Portable X-Ray
 - Rural Health Clinics.
- Suitability Reviews

The Department's licensure statutes require that the Division conduct a suitability review for all prospective licensees. The suitability review is also conducted when a transfer of facility ownership occurs. (If a change in facility management occurs, regulations require that the Division be notified of the change and the reason for its occurrence.) For hospitals, clinical laboratories, hospices, out-of-hospital dialysis units, and clinics, the Division conducts a limited review which includes an in-state criminal history check as well as a review of the applicant's in-state regulatory compliance history. DPH has been certified by the Massachusetts Criminal History Systems Board for access to felony conviction data.

The Long-Term Care statute requires the Division to conduct a comprehensive review of prospective licensees. It requires that any person or entity acquiring a long-term care facility first submit to the Department a Notice of Intent to Acquire (NOIA) at least ninety days before the proposed acquisition. After the Division determines that an NOIA is complete, it must make a determination of suitability within ninety days.

- Architectural Plan Review

Statutes governing the licensure of health care facilities in Massachusetts require that licensees and prospective licensees submit architectural plans and specifications to the Division of Health Care Quality for their review and written approval prior to construction. The Division conducts the reviews pursuant to M.G.L. c.111 section 71 for long-term care facilities, M.G.L. c. 111, section 51 for hospitals, clinics, and ambulatory surgical centers, M.G.L. c.111 sections 51A and 53 for out-of-hospital dialysis units, and M.G.L. c. 111 section 25C for Determination of Need.

- Survey Operations

The Division is responsible for conducting surveys for both licensure and Medicare/Medicaid certification, as well as conducting related survey activities such as reviewing waiver requests and providing technical assistance to providers. For providers who may disagree with survey findings, there is an Informal Dispute Resolution mechanism in place which allows for the submission of additional information and rebuttal of any deficiencies cited in the survey. All case information is reviewed by a Division of Health Care Quality surveyor, a manager, and Assistant Director. The provider is notified in writing of the decision. If the result is in favor of removing a deficiency, an amended Statement of Deficiencies is issued.

- Complaint Investigations

The Division's Complaint Unit conducts on-site investigations of allegations of patient abuse, mistreatment, neglect, misappropriation of resident funds, resident rights violations, and inappropriate resident care. All complaint reports and findings involving violations of the Patient Abuse Law (abuse, mistreatment, neglect, or misappropriation of patients' funds) are referred to the Attorney General's Medicaid Fraud Control Unit for review and potential criminal action, in addition to any civil action taken by the Division. Also, any valid complaints of patient abuse, mistreatment, neglect, or misappropriation of residents' property by nurse aides in long-term care facilities are listed on the Nurse Aide Registry, which is accessible by calling the Division at (617)753-8192 (Automated Nurse Aide Registry Information).