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STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

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(775) 687-4475
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Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
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Radiological Health
4150 Technology Way
Suite 300
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Radiological Health
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

ORDER OF SUMMARY SUSPENSION AND REVOCATION OF LICENSE

June 9, 2009

HAND DELIVERED

Attention: Mr. David Damschen, Administrator
BHC West Hills Hospital
1240 E. Ninth Street
Reno, NV 89515
NVS632HOS

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION is summarily suspending your license effective immediately. The HEALTH DIVISION finds that the public health, safety or welfare requires this emergency action to suspend your license. You are also notified that the Health Division intends to revoke your license.

Statutory or Regulatory Authority

NRS 449.160 provides that the Health Division may suspend and/or revoke a license upon the grounds that the licensee has violated any of the provisions of state laws and regulations. NRS 449.160 also provides that the Health Division may suspend and/or revoke a license when the conduct or practice of the facility is detrimental to the health or safety of the occupants or employees of the facility. Notice is not required if the Health Division finds that the public health requires immediate action and the Health Division may order a summary suspension of the license pursuant to NRS 449.170(1). In addition, NRS 233B.127(3) provides that if an agency finds that the public health, safety or welfare imperatively requires emergency action, a summary suspension of a license may be ordered pending proceedings for revocation or other action.

Facts Supporting the Summary Suspension

A complaint investigation survey was completed on March 9, 2009 and a follow up survey was completed on April 9, 2009 to lift a Ban on Admissions. These surveys revealed numerous violations of state regulations. The deficiencies identified during these visits, are documented in the attached statements of deficiencies. In addition, observations were made during a Medicare Validation Survey initiated on

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June 2, 2009 and are still ongoing. It was determined that residents were not safe at this facility and that the facility was engaging in practices detrimental to the health and safety of the residents as indicated below.

1) Failure to ensure patient safety. A patient was admitted to the facility and brought in medication which was missed on the admission search. The patient later overdosed on the medication, was found in an impaired cognitive state and taken to the emergency room. An immediate jeopardy was called at the facility due to the facility failed to identify, evaluate and develop a plan to prevent further harm to patients.

2) A Ban on Admissions was placed on the facility on April 6, 2009 and removed on April 10, 2009 due to an immediate jeopardy and/or other significant finding that placed patients at risk for serious injury, harm, impairment, or death due to the hospital's failure to maintain the safety of patients requiring monitoring, failure to assess patients after an incident that may have resulted in significant injury, and failure to keep a safe environment related to fire safety which was identified on the March 9, 2009 survey.

3) An immediate jeopardy situation was identified on a federal survey conducted on October 20, 2008 to October 22, 2008. The immediate jeopardy and/or other significant finding placed patients at risk for serious injury, harm, impairments, or death due to the hospital's failure to maintain the safety of patients requiring monitoring and failure to assess a patient after an incident that may have resulted in significant injury.

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

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Effective Date of Suspension

This suspension is effective immediately and an appeal will not stay the suspension pursuant to NAC 439.348. You need to make arrangements for the transfer of the residents to appropriate placements.

No New Admissions

Effective immediately, no new admissions are authorized.

Please provide the Division with the following information concerning your current patients:

- 1) Copy of the notice that you must provide the patients and their representatives or family as described in NRS 449.700(2).
- 2) Date and time that each patient is transferred.
- 3) Address and phone number of the facility where patients are transferred.
- 4) All patients must be transferred out of the facility no later than July 8, 2009.

If you have any questions, please contact Dorothy Sims, RN at (702) 486-6515.

Sincerely,



Marla L. McDade Williams, MPA
Bureau Chief

Attachments: Attachment A: Statement of Deficiencies/Plan of Correction (3/9/09)
Attachment B: Statement of Deficiencies/Plan of Correction (10/22/08)

cc: Richard Whitley, Administrator
Mary Wherry, Deputy Administrator
Linda Anderson, Chief Deputy Attorney General