



Inpatient Psychiatric Hospitals

West Oaks Hospital

Results in Brief

Why OIG Conducted This Audit

The Texas Health and Human Services Office of Inspector General (OIG) initiated this audit in response to a risk assessment after lawsuits and reports alleging that private inpatient psychiatric hospitals were committing and holding patients (a) that did not meet admission or commitment criteria or (b) without the person's consent. The OIG Audit and Inspections Division (OIG Audit) reviewed West Oaks' medical records, policies and procedures around (a) admissions, commitments, and discharges, (b) specific patient consent forms, and (c) physician orders.

Summary of Review

The audit objective was to determine whether West Oaks completed admission, commitment, and specific consent requirements for STAR+PLUS members receiving inpatient psychiatric services in accordance with selected federal and state regulations, rules, and policies.

The audit examined STAR+PLUS claims processed by UnitedHealthcare of Texas, Inc. and United Behavioral Health, Inc. (United), and associated documentation with service dates from September 1, 2019, through February 28, 2021.

Conclusion

West Oaks Hospital (West Oaks) complied with selected federal and state regulations, rules, and policies related to physician licensing and appropriate days billed. However, it should strengthen controls to comply with requirements related to discharging patients, physician orders, psychiatric evaluations, treatment plans, patient consent forms, required facility signage, and patient access to outside communication.

Key Results

Based on the site visit on March 1, 2022, and additional testing, West Oaks complied with requirements related to physician qualifications and billing only days in the facility. However, West Oaks should improve its practices for performing and documenting evaluations and ensuring patients and their families or legally authorized representatives are informed and aware of their rights and options. Specifically:

- One voluntarily admitted patient who requested discharge was held past the discharge date ordered by the physician. The physician initially determined that the hospital would petition for court-ordered treatment, but subsequently decided the patient should be released. A patient has the right not to be detained once the decision not to file a petition for court-ordered treatment is made.
- All 60 sampled records included an initial psychiatric evaluation. However, (a) 26 were not conducted timely, (b) 4 were not performed by a physician, (c) auditors could not determine if 9 were timely, and (d) one was not signed by a physician. West Oaks could have patients in its care who were not evaluated by a physician or whose psychiatric evaluations were not completed timely.
- Most medication orders were prescribed and signed by a physician as required; however, some were either not signed at all or not signed timely. In the selected sample of 40 patient records, there were 336 psychoactive medication orders. Of those 336 orders, 32 (9.5 percent) were not signed or signed timely. Medication orders not signed by a physician may mean psychoactive medications were administered without verification from the treating physician.
- While West Oaks obtained most of the required medication consent forms for psychoactive medication, it did not obtain 29 of 176 medication consent forms tested (16.5 percent). Of the remaining

Background

West Oaks is a 160-bed facility providing care for adolescents and adults in the Houston, Texas, area. It provides inpatient hospital psychiatric services to beneficiaries of the Texas STAR+PLUS program under contract with United, a Texas managed care organization (MCO). STAR+PLUS is a Texas Medicaid managed care program for people who have disabilities or are age 65 or older. Individuals in STAR+PLUS receive Medicaid basic services and long-term services and supports through a health plan they choose.

Through its provider contract with United, West Oaks received Texas Medicaid reimbursements of \$4.2 million for inpatient psychiatric hospitalization services delivered to 461 Medicaid beneficiaries during the audit scope, of which \$18,172 related to electroconvulsive therapy.

Management Response

OIG Audit presented preliminary audit results, issues, and recommendations to West Oaks in a draft report dated August 8, 2022. West Oaks agreed with the audit recommendations and asserted corrective actions had already been implemented or were underway. West Oaks' management responses are included in the report following each recommendation.

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147 medication consent forms tested, most medication consent forms were not completed or were not completed before administering the medication.

- For the 40 sampled records, one admission order was missing. For the remaining 39, three were not signed timely, five were not dated with the time noted, and five did not have the time noted. West Oaks could have patients in its care without admission authorization.
- West Oaks did not ensure that only the patients signed the consent form for voluntary admission.
- West Oaks did not always ensure protective custody orders and emergency detention warrants were appropriately retained in patients' medical records. Of 11 involuntarily admitted patients tested, all were missing the protective custody order and three were missing the notice of emergency detention warrant or protective custody transfer order.
- West Oaks did not ensure all patients acknowledged their rights. Eight patients refused to sign: an explanation was not provided for three and none had a third-party witness. Of the 32 remaining forms tested, 13 had at least one error with signing or initialing.
- Texas Administrative Code requires specific elements for certain therapy consent. One patient in the sample had two electroconvulsive therapy treatment sessions during the audit scope. West Oaks obtained consent for each treatment session, but the consent forms were not completed or completed timely.
- Some signs were not prominently displayed and did not have all required information. Specifically, a statement of the duty to report abuse and neglect, or illegal, unethical or unprofessional conduct including a toll-free telephone number was not posted as required.
- One voluntarily admitted patient was placed on phone restriction without clinical reasons documented for the restriction or the duration of the restriction.

Recommendations

West Oaks should:

- Discharge patients according to discharge orders.
- Ensure psychiatric evaluations are completed by a physician within the required timeframe based on type of admission.
- Ensure voluntary admission consent forms are only completed by the patient and not their family.
- Ensure completed medication consent forms are obtained prior to medication administration.
- Retain court orders.
- Obtain complete and timely patients' consent for treatment and acknowledgment of rights.
- Update its forms and postings to include all required information.