

**NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION
RALEIGH, NORTH CAROLINA**

**IN RE: REQUEST FOR)
DECLARATORY RULING BY) **DECLARATORY RULING**
VERITAS COLLABORATIVE, LLC)
LICENSE NUMBER MHH0972)**

DECLARATORY RULING

I, Drexdal Pratt, as Director of the Division of Health Service Regulation, North Carolina Department of Health and Human Services (“Department” or “Agency”), do hereby issue this Declaratory Ruling pursuant to North Carolina General Statutes § 150B-4 and 10A N.C.A.C. 14A.0103 under the authority granted me by the Secretary of the Department of Health and Human Services.

Veritas Collaborative, LLC (“Veritas”) has requested a declaratory ruling for authorization to provide Nasogastric feeding tube ("NGFT") treatment under its current license pursuant to 10A N.C.A.C. 27G.6000 (the "License") on the grounds that such treatment is already authorized under the License and would require no additional license from the Department. This ruling will be binding upon the Department and the entity requesting it, as long as the material facts stated herein are accurate. This ruling pertains only to the matters referenced herein. Except as provided by N.C. Gen. Stat. § 150B-4, the Department expressly reserves the right to make a prospective change in the interpretation of the statutes and regulations at issue in this Declaratory Ruling. Noah H. Huffstetler, III of Nelson Mullins Riley & Scarborough LLP has requested this ruling on behalf of Veritas and has provided the material facts upon which this ruling is based.

STATEMENT OF THE FACTS

Veritas is a thirty-eight (38) bed/slot Joint Commission Accredited and State Licensed Psychiatric Hospital providing evidence-based eating disorder treatment to males and females ages 10-19 years diagnosed with anorexia nervosa, bulimia nervosa, and other eating disorders as the primary mental illness.

On January 1, 2014, the Department issued license number MHH0972 allowing Veritas to operate a mental health hospital with twenty-six (26) beds in Durham, North Carolina. This license number contained three subcategories representing three different levels of care: inpatient hospital treatment for individuals with mental illness or substance abuse disorders (10A N.C.A.C. 27G.6000), psychiatric residential treatment for children and adolescents (10A N.C.A.C. 27G.1900), and day treatment for children and adolescents with emotional or behavioral disturbances (10A N.C.A.C. 27G.1400). Through its various licenses, Veritas offers multi-disciplinary eating disorder treatment. However, Veritas does not presently offer NGFT treatment to its patients.

ANALYSIS

The License allows Veritas to offer inpatient hospital treatment for individuals with mental illnesses or substance abuse disorders. *See* 10A N.C.A.C. 27G.6000. Inpatient hospital treatment under 10A N.C.A.C. 27G.6000 involves services that include medical care and 24-hour treatment in an inpatient hospital setting for individuals with acute psychiatric problems and substance abuse disorders. The focus of this treatment is on stabilizing symptoms so that the patient can return to the community as quickly as possible. Inpatient hospital treatment is the most intensive and restrictive type of facility in the system of care for psychiatric patients. *See* 10A N.C.A.C. 27G.6001(a).

The proposed addition of NGFT treatment at Veritas for its inpatient hospital treatment patients is consistent with the scope of services included in Section .6000 Inpatient Hospital Treatment for Individuals who Have Mental Illness or Substance Abuse Disorders. *See* 10A N.C.A.C. 27G.6000. Veritas provides eating disorder treatment to individuals diagnosed with anorexia nervosa, bulimia nervosa, and other eating disorders as the primary mental illness. Veritas is licensed under 10A N.C.A.C. 27G.6000 which authorizes providing medical diagnostic procedures and medical care and treatment as needed. *See* 10A N.C.A.C. 27G.6001(a)(1)-(4). NGFT is a medical treatment that requires a comprehensive assessment of a patient by the facility prior to its initiation. Therefore, this assessment, along with the medical care and NGFT treatment, is directly related to the acute psychiatric problems associated with individuals receiving eating disorder treatment for anorexia nervosa, bulimia nervosa, and other eating disorders as the primary mental illness. As such, Veritas is licensed to offer NGFT treatment to its patients. *See* 10A N.C.A.C. 27G.6001(a).

Veritas will develop governing body policies as required within 10A NCAC 27G.0201 in relation to the addition of NGFT treatment at its facility. The governing body policies will include quality assurance and quality improvement for the NGFT with methods for monitoring and evaluating the quality and appropriateness of client care including delineation of client outcomes and utilization of services. *See* 10A N.C.A.C. 27G.0201(a)(7)(c). The governing body policies will include a medical preparedness plan to be utilized in a medical emergency in relation to the NGFT treatment. *See* 10A N.C.A.C. 27G.0201(a)(9).

Veritas will employ necessary staff for the addition of NGFT treatment at its facility. Veritas will maintain a job description for the necessary staff specifying the minimum level of education, competency, work experience and other qualifications for the position.

The specific duties and responsibilities of the position will be included in the job description. *See* 10A N.C.A.C. 27G.0202(a).

CONCLUSION

For the foregoing reasons, assuming the statements of fact in the request to be true, I conclude that Veritas' License allows for the provision of NGFT treatment services and that the offering of such services does not require any additional license from the Department.

This the ____ day of August, 2014.

Drexdal Pratt, Director
Division of Health Service Regulation
N.C. Department of Health and Human Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Declaratory Ruling upon the nonagency party by certified mail, return receipt requested, by causing a copy of same to be placed in the United States Mail, first-class, postage prepaid envelope addressed as follows:

CERTIFIED MAIL

Noah H. Huffstetler, III
Nelson Mullins Riley & Scarborough LLP
GlenLake One, Suite 200
4140 Parklake Avenue
Raleigh, NC 27612

This the _____ day of August, 2014.

Cheryl Ouimet
Chief Operating Officer