

Conducting Federal Surveys Role-Play
Non-Long Term Care Learning Activity

Item	Description
Objective:	Given the regulation/guidance on the consequences for a Medicare-participating facility of refusal to permit surveyors access, the surveyor will explain the basis for the Federal survey and consequences of refusing to allow a survey.
Prior to Class:	Print the Observer Checklist and the scripts for Mark Administrator and Suzy Surveyor, one set for each group of three surveyors. (If time allows, print an Observer Checklist for each surveyor.)
Total Time for Activity:	60 minutes* (*Activity times are highly dependent on class size and dynamics. The time given is approximate.)
Set-Up:	Divide the class into groups of three and distribute the script and Observer Checklist, one set per group.

Steps:	Preceptor Instructions:	Activity Time:
1.	Give the new surveyors time to read the directions, script, and Observer Checklist.	10 min.
2.	Ask for volunteers to play each role: Mark Administrator, Suzy Surveyor, and the role of the Observer.	5 min.
3.	The groups conduct the role-play. As the groups are completing this task, walk around the room and listen to the conversations. Provide direction where appropriate.	10 min.
4.	Ask Observers how Suzy Surveyor did. Discuss observations and directions.	5 min.
5.	If time allows, rotate the roles until each participant has played the role of Suzy.	15 min.
6.	Debrief by discussing key points, including good communication techniques (remain non-confrontational, engage the administrator without escalating, remain professional, keep personalities out of the discussion) evidenced during these interactions.	10 min.

Citation: State Operations Manual (SOM), Chapter 1-Program Background and Responsibilities

Citation: Introduction to Surveying for Non-Long Term Care Course; Module 1, Lesson 1 Program Background

Provider Type: NLTC

Date:

Surveyor Name:

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Conducting Federal Surveys Role Play Script

Directions: This is a role-play activity. There are three characters: Suzy Surveyor, Mark Administrator, and the Observer. Read the script and decide which role you would like to play. Suzy may use the Training Aid to assist her in the discussion. The Observer will check off key points made during the role-play. The preceptor may collect the Observer Checklist at the end of the role-play.

Item	Description
Setting:	Suzy has arrived at the Non-Long Term Care (NLTC) facility. She has introduced herself to the front desk and been taken to a conference room where she will meet with Mark Administrator. Mark arrived unhappy. It is the height of the flu season, the facility is full to capacity, and a large portion of the facility's staff has reported off work due to illness.
Interactions:	Mark Administrator complains to Suzy that he does not understand why his facility is the subject of a Federal survey and why, of all days, it has to be today. He asks if Suzy can come back another day, stating, "This is absolutely ridiculous!" Suzy Surveyor explains to Mark why a survey needs to be completed based on the knowledge she now has of the facility regulations. Mark eventually gives in and verbalizes his understanding for the need for a survey.
Observer's Role:	As the observer, complete the Observer Checklist based on the behavior you see. These items are reinforcement points for discussion upon conclusion of the role-play. When completed, return the Observer Checklist to the preceptor if collection is desired.

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Training Aid

Statute/Regulation	Description
Social Security Act, Titles 18 and 19	Establishes the Medicare and Medicaid programs
Section 1864, Social Security Act	Provision of Title 18 which enables CMS to enter into agreement with any willing and able state to conduct surveys to determine a health-care facility's compliance with Federal requirements/conditions of participation/conditions for coverage
Section 1864 Agreement	Agreement between an individual state and CMS pursuant to Section 1864
42 CFR Part 488, Subpart A	General provisions for survey, certification and enforcement applying to surveys of all types of certified providers and suppliers, whether by state survey agencies or CMS-approved Medicare accreditation programs
42 CFR 489.53 (a)(5)	Regulation permitting CMS to terminate the Medicare agreement of a provider which refuses to permit examination of its records by or on behalf of CMS. Note CMS has proposed to expand this authority to apply to certified suppliers.
42 CFR 489.53(a)(13) 1001.1301	This section of the CFR states that, should an individual or entity (hospital) refuse to allow immediate access upon reasonable request by either a State Agency or CMS surveyor, the Office of the Inspector General (OIG) may exclude the hospital from participation in all Federal health-care programs. Since this is a more cumbersome process than termination of the provider agreement by CMS, this authority is used only for certified suppliers, such as Ambulatory Surgical Centers. If CMS' proposal to amend 42 CFR 489.53 is finalized, it would rely upon this authority first before requesting exclusion by the OIG.
42 CFR 489.53(a)(13)	Regulation permitting CMS to terminate the Medicare agreement of a provider which refuses to permit photocopying of its records. Note: CMS has proposed to expand this authority to apply to certified suppliers.

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Observer Checklist

<input checked="" type="checkbox"/>	Item	Observer Comments (if any)
<input type="checkbox"/>	Acknowledge Mark's concerns.	
<input type="checkbox"/>	Explain that part of the survey process is to evaluate how you are handling your facility at this time.	
<input type="checkbox"/>	Remind Mark that this is a voluntary program. 42 CFR 1001.1301	
<input type="checkbox"/>	Describe the ramifications to the facility of refusing the survey. 42 CFR 1001.1301 (losing Medicare funds)	
<input type="checkbox"/>	Describe to Mark the consequences of failure to permit a survey, namely, it could result (if a provider) in termination of his facility's Medicare provider agreement by CMS (or, if a supplier or Medicaid-only facility) exclusion from Medicare and Medicaid by the Office of Inspector General.	

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Program Background

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