



Welcome to a review of Investigative Skills!

Definition

Investigative skills are key cognitive areas of decision making that guide or impact data gathering during any type of survey. These key cognitive areas are vital in guiding the direction of the investigatory work and directing the surveyor to investigate an issue further.

Citation: State Operations Manual (SOM), Chapter 1—Program Background and Responsibilities Citation: Introduction to Surveying for Non-Long Term Care Course, Module 3, Lesson 3, Investigative Skills
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A good working definition of investigative skills is presented here.

Investigative skills are key cognitive areas of decision making that guide or impact data gathering during any type of survey. These key cognitive areas are vital in guiding the direction of the investigatory work and directing the surveyor to investigate an issue further.

Purpose

Investigative skills:

- Are used to obtain complete and accurate information without creating a hostile or unpleasant atmosphere
- Allow the surveyor to identify relevant information and decide what information needs to be followed up in more depth.
- Are critical to the surveyor's ability to determine compliance, determine the manner and degree of noncompliance, as well as write and prepare to defend deficiency citations.

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Investigative skills are critical for surveyors to develop so that they are able to detect noncompliance and develop strong evidence to support deficiency citations.

Investigative skills are used to obtain complete and accurate information without creating a hostile or unpleasant atmosphere. In order to conduct an effective survey, the surveyor must use investigative skills while establishing a professional atmosphere in which participants feel comfortable being honest and providing information.

Allow the surveyor to identify relevant information and decide what information needs to be followed up in more depth. As the survey progresses, the surveyor should avoid wasting valuable time collecting information that is not needed or relevant. Extraneous data may serve to confuse the key points of the survey, so investigative skills help the surveyor select information that is important to the survey.

Investigative skills are critical to the surveyor's ability to determine compliance, determine the manner and degree of noncompliance, as well as write and prepare to defend deficiency citations.

Investigative Elements

- Observations
- Interviews
- Record or document reviews

****Note that all three elements impact the investigative work and decision making during the survey process**

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Investigation consists of three types of information gathering techniques:

Observations

Interviews

Record or document reviews

All surveys should employ all three. In all cases, the surveyor's knowledge of the regulatory requirements shapes how he/she evaluates the information he/she is gathering. In the next slides, we will take a look at each of these techniques.

Observations

- Give surveyors direct knowledge of the facility's operations
- Help surveyors put together pieces of the puzzle and identify areas that may need further investigation
- Are complex: Surveyors need to not only look at what is present, but also think about what they are NOT seeing that should be present.
- Provide the most powerful evidence—even more powerful when validated by interviews and record review

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Provide the most powerful evidence: Observations are even more powerful when validated by interviews and record review.

Conducting Observations

For example, the regulation requires use of standard infection control practices.

- You see an isolation room with no area to gown and glove.
- You are paying attention to what you DON'T see, as well as what you DO see. Observing will be a key element to most of your investigations.

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Interviews

- Allow the surveyor to obtain background knowledge
- Are most beneficial when using open-ended questions
- Are an opportunity to confirm/re-evaluate observations

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When employing investigative skills, interviews are an important part of the process. Conducting effective interviews allows the surveyor to obtain background knowledge, and either validate observations or acquire additional information that changes the interpretation of observations.

In many cases, informal, brief interviews with staff as you are observing the facility's operations are preferable to scheduled, formal interviews. Formal interviews can also be appropriate, e.g., of the QAPI program manager in a hospital.

The surveyor should focus on open-ended questions. The surveyor should be non-threatening and try to build rapport, since this is more likely to result in a good dialogue that leads to useful information.

Interviewing Elements

- Establish a purpose
- Set atmosphere and tone, create rapport
- Listen actively
- Consider time and timing
- Evaluate and make decisions
- Write a summary

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These elements are not self-evident and some of them don't make sense.

There are several elements to interviewing, including:

- Establish a purpose – know what topics you hope the interview will
- Set atmosphere and tone, and create rapport
- Listen actively
- Evaluate what you are hearing and make decisions about whether further questions are needed to probe other issues suggested during the interview
- Write a summary of the interview as soon as possible after it has concluded

Document Review

- Validates and clarifies observations or interviews
- Can provide information not otherwise available—e.g., closed medical records can be essential to investigating complaints
- Note difference between reviewing medical records and policies and procedures:
 - Always necessary to review a sample of medical records
 - Routine review of policies and procedures can waste time
 - Better to “back in” to P&P review, when there is evidence of noncompliance, to check whether the problem is with bad policy, or policies not being followed

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The final element of investigative skills is Document Review.

Document Review:

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Note difference between reviewing medical records and policies & procedures:

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Conducting a Document Review

- Review standard items in records during every survey.
- Review specific items based on particular issues of concern by the team.
- Be aware of the significance of unrecorded information.
- Focus on documents that provide information on care and services being provided and investigated.

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When conducting a Document Review, the surveyor should:

- Review standard items in records during every survey.
- Review specific items based on particular issues of concern by the team.
- Be aware of the significance of unrecorded information. (Again, pay attention to what is NOT there!)
- Focus on documents that provide information on care and services being provided and investigated.

Systems View

The diagram illustrates a 'Systems View' of a health care facility. On the left, a circular puzzle is composed of four interlocking pieces representing different service areas: 'Patient Care Services' at the top, 'Administrative Services' on the left, 'Support Services' on the right, and a central area containing 'Policy and Procedures', 'Process', 'Team Dynamics/Staffing', and 'Individual Performance'. A large yellow double-headed arrow points from this puzzle to a group of seven stylized human figures on the right, representing the staff or patients involved in the system.

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You must evaluate the health care facility to determine if it meets the Federal requirements for care delivery and quality.

Patients and the health care facility may have their expectations and perspectives about what care delivery and quality should be. However, as the surveyor you are evaluating the facility according to the applicable Medicare conditions and standards.

Critical Thinking (1 of 2)

- What are the Red Flags?
- What other information do you need to gather?
- Uncover the root cause of problem. What specifically did the facility fail to do?
- Was there a failure? Was the failure in the hospital system, individual performance, or missed patient perspective/expectations? (What system failed?)
- The surveyor decides what information is important and what is not.
- Document findings—paint a picture with words.

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As a surveyor, you will use critical thinking skills as the survey unfolds to go where the evidence takes you.

What are Red Flags? They are things that don't seem right, and mean that you need to probe further.

- For example, you are on a hospital survey and are assessing the Surgical Services Condition of Participation. You identified a “Red Flag”—you review the record of a patient who had surgery and are unable to find an operative report. The regulation requires an operative report be prepared immediately following surgery and signed by the surgeon.

What other information do you need to gather?

- This is clearly a deficiency that must be cited, but is it an isolated incident or not? You need to review other medical records of surgical patients to figure this out.
 - This is important for determining whether noncompliance is at the standard- or condition-level. The manner and degree of noncompliance are evaluated to determine if it is “substantial” noncompliance, i.e., condition-level.
- You find two other records in your sample that have no operative report, and four others where the report was dated and authenticated three days after the surgery, in some cases after the patient had already been discharged. Is this a failure of hospital policy, or are people not following the hospital's policy?
 - Who would you interview?
 - What would you ask to see?

Finally, you need to document your findings—paint a picture with words.

Critical Thinking (2 of 2)

For example, in the case above, you also notice that the medical record is missing a pre-anesthesia evaluation, even though general anesthesia was used. This “Red Flag,” suggests that there may be problems with compliance with the Anesthesia Services CoPs as well.

- If this is a full survey, you will want to alert your team leader about what you discovered and make sure the surveyor assessing the Anesthesia CoPs (if that is not you) looks into this.
- If this is a complaint survey of a non-deemed facility, you must now investigate this Red Flag under the Anesthesia Services CoPs, and if you find noncompliance, you must evaluate the whole Anesthesia CoPs.
- If this is a complaint survey of a deemed facility, you must contact your supervisor, who should contact the CMS Regional Office about expanding the survey to include Anesthesia Services.

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In some cases, a Red Flag will involve a different regulation than the one you have been assessing.

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If this is a complaint survey of a non-deemed facility, you must now investigate this Red Flag under the Anesthesia Services CoPs, and if you find noncompliance, you must evaluate the whole Anesthesia CoPs.

If this is a complaint survey of a deemed facility, you must contact your supervisor, who should contact the CMS Regional Office about expanding the survey to include Anesthesia Services.

When is Enough, Enough?

- The goal of our investigation is to provide strong irrefutable evidence regarding the provider's compliance with regulations.
- A new surveyor may have a tendency to stop too soon, due to:
 - Lack of training in event investigation
 - We don't ask enough questions

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So how do you know when you have enough information? How do you know when you can safely stop investigating further?

The goal of our investigation is to provide strong evidence regarding the provider's compliance with regulations.

Let's talk a little about some of the growing pains for a new surveyor. As a new surveyor you may have a tendency to stop too soon.

You may lack training in event investigations.

You may not ask enough questions

For example, we have an item missing in the surgical notes of a medical record. Let's say it is documentation of a time out being taken after prepping the patient. You have read the hospital surgical services guidance and know that a time-out is expected to be a standard procedure. You have interviewed the surgical tech that was in the room and the tech indicated that hospital policy requires a time out. You asked for a copy of the pertinent policy and confirmed that it required a time out. It also identifies who on the surgical team is responsible for entering this in the medical record.

Do you need more information? Do you need to interview someone else? Do know if this is an isolated incident or a more widespread, systematic problem?

You are not done with this investigation yet, are you?

Summary

- Notice “red flags” (indicators of potential problems).
- Do you need to conduct more observations or interviews, or review other documents to probe the red flag?
- Determine whether the red flags are isolated incidents or more widespread. You need to know this to determine the manner and degree of noncompliance.
- If a red flag concerns another part of the regulations, you will need to expand the scope of your survey.
- Document findings—paint a picture with words.

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Putting It All Together

- Use information from observations, interviews, and document review to determine compliance.
- Be open to asking facility staff to help you find information you are unable to locate on your own.
- Remember the expectation is that the provider will be in continual compliance.
- The goal of our investigation is to provide strong evidence to support all deficiency citations.

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Finally, to put it all together you must:

- Use information from observations, interviews, and document review to determine compliance.
- Be open to asking facility staff to help you find information you are unable to locate on your own.
- Remember the expectation is that the provider will be in continual compliance

Above all, remember:

- The goal of our investigation is to provide strong evidence to support all deficiency citations.

Investigative Skills Conclusion

Thank you so much for your kind attention!

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