1.1 Background

The Foundational Investigative Skills Course is the first course in the Investigative Skills Curriculum. This course is designed to provide new surveyors with basic concepts for conducting and documenting a survey investigation. In addition, this course serves as refresher training for seasoned surveyors preparing for the Advanced Investigative Skills Course.

1.2 Course Goal

Upon successful completion of the Foundational Investigative Skills Course, a new surveyor will be able to identify and describe the skills necessary to conduct complaint investigations that adequately support citations for deficient practices. For a more seasoned surveyor, this course provides refresher training for these same concepts.

1.3 Course Description

Foundational Investigative Skills is an overview course in the Surveyor Training curriculum. This course introduces surveyors to the concepts and skills necessary to develop strong investigative skills and techniques on a survey. Topics examined in this course include using the five senses to make effective observations, avoiding common mistakes made by surveyors during investigations, writing defensible citations, supporting citations in depositions and testimony, and identifying and investigating the cases of sexual abuse in Long Term Care (LTC) facilities.

Learners will engage in real-world case studies that emphasize the need for surveyors to ensure that their citations are properly investigated and documented. Finally, this course highlights the increasing concern of sexual abuse in LTC facilities and the surveyor’s role in identifying and investigating cases of sexual abuse.

The course takes approximately 7.5 hours to complete and is offered as self-paced, web-based training. Once enrolled, you will have two months to complete the course.

1.4 Audience

The Foundational Investigative Skills Course is a required course for all new and experienced professional surveyors, new and experienced professional non-surveyors, generalists, reviewers, managers and supervisors, training coordinators, and other
State Agency (SA) or Regional Office (RO) support staff responsible for complaint surveys. Learners must successfully complete all five modules of this course before enrolling in the Advanced Investigative Skills Course.

Experienced surveyors and reviewers will also benefit from taking this course as a review, and will be required to complete this course before enrolling in the Advanced Investigative Skills Course.

1.5 Course Objectives

The objectives for this course are to:

- Explain the investigative process and the importance of using observation to gather and document evidence during a survey.
- Describe six best practices for using the five senses to make effective observations.
- Explain the ways in which surveyors can overstep their boundaries on a survey.
- Summarize the differences between aggressive and non-aggressive interviews.
- Explain the possible consequences of performing a “top down” investigation.
- Recognize the value of hearsay and the ways it can be corroborated.
- Explain the methodology for writing defensible citations.
- Describe five common mistakes made when writing deficiency citations, including how to avoid making them and the potential courtroom impacts of those mistakes.
- Explain the process for preparing to give a deposition or testimony at a Federal or state hearing.
- Describe four common mistakes that surveyors make when writing deficiency citations, the potential courtroom consequences of those mistakes, and how to avoid making them.
- Define sexual abuse and describe the issues surrounding sexual abuse in Long Term Care (LTC) facilities.
- Explain the connection between sexual abuse and the capacity to consent.
- Describe the components necessary to effectively investigate and document allegations of sexual abuse in LTC facilities.

1.6 Module and Lesson Outline

Foundational Investigative Skills has five learning modules. The following is an outline of the modules and lessons in this course.
Module 1–Effective Observations Using the Five Senses

Module 1 introduces surveyors to the concepts and skills necessary to develop strong observation techniques on a survey. Topics examined in this course include consequences of an inadequate investigation, components of an effective investigation, and best practices for using observation to gather evidence.

- Pre-Test
- Lesson 1–Observation and the Investigative Process
- Lesson 2–Best Practices in Observation
- Post-Test

Module 2–Surveyor Boundaries: To Do or Not To Do

Module 2 examines four common surveyor mistakes and the circumstances that may lead surveyors to cross the line between appropriate and inappropriate behavior during an investigation.

- Pre-Test
- Lesson 1–Best Practice #1: Maintain Professional Limits When Evaluating Care
- Lesson 2–Best Practice #2: Question Witnesses Carefully and Professionally
- Lesson 3–Best Practice #3: Start the Investigation with Front-Line Staff
- Lesson 4–Best Practice #4: Corroborate Hearsay
- Post-Test

Module 3–The Surveyor in Court: Writing Defensible Citations

Module 3 uses a real-world case study to highlight the need for surveyors to ensure that their citations are properly investigated and documented. This course examines the methodology for writing defensible citations and demonstrates the potential legal impacts when investigations are not performed adequately.

- Pre-Test
- Lesson 1–The Defensible Citation
- Lesson 2–The Best Defense Is a Good Defense
- Post-Test

Module 4–Depositions and Hearing Testimony

Module 4 uses a real-world case study to highlight the importance of the surveyor’s role in providing testimony and depositions, including what to do before a hearing, as well as examples of consequences that may occur when the surveyor is not properly prepared.
The goal is to provide surveyors with a better understanding of the need for both proper preparation and careful consideration when providing testimony or giving depositions.

- Pre-Test
- Lesson 1–Preparing for a Hearing or Deposition
- Lesson 2–Common Mistakes in Writing Deficiency Citations
- Post-Test

**Module 5–Sexual Abuse in Long Term Care**

Module 5 uses real-world case studies to highlight the increasing concern of sexual abuse in Long Term Care (LTC) facilities and the surveyor’s role in identifying and investigating cases of sexual abuse. The goal is to provide surveyors with a better understanding of the special circumstances surrounding sexual abuse in LTC facilities and guidance for investigating and substantiating claims of sexual abuse.

- Pre-Test
- Lesson 1–Sexual Abuse in Long Term Care: Overview and Issues
- Lesson 2–Sexual Relations and the Capacity to Consent
- Lesson 3–Investigating and Documenting Cases of Sexual Abuse
- Post-Test

### 1.7 Course Design

In order to successfully complete this course, learners must complete all of the required components within each module, and pass each module Post-Test with a minimum score of 85 percent. Required components include:

- Module Pre-Test
- Learning Module with lessons and knowledge check questions
- Module Post-Test*
- Course Evaluation

*In order to successfully complete this course, learners must complete all of the required components for each of the five modules and pass each Module Post-Test with a minimum score of 85 percent. Learners are allowed three attempts to pass each Module Post-Test.

### 1.8 Online Course Progression

Each module in the Foundational Investigative Skills course contains two or more lessons. From the Surveyor Training Website (STW), learners will select *Foundational
*Investigative Skills* and then select *Launch the Course* to begin. Each module is listed as a separate menu item within the course.

It is recommended that learners complete the modules in the order they appear. Once a module is selected, learners will progress through each lesson within the module as designated on the Module Menu frame. Figure 1 shows an example of the Module Menu frame.

![Module Menu](image)

**Figure 1. Module Menu**

Upon completion of each module, learners may exit and select the next module from the STW website.

### 1.9 Pre-Test

The first task before each module is to complete the Pre-Test.

- Do not study for the Pre-Test.
- There is no minimum passing score for the Pre-Test. Its purpose is to measure learners’ baseline knowledge.
- Pre-Test scores will be compared with Post-Test scores to help gauge the effectiveness of the course.
1.10 Learning Modules

After completing the Pre-Test for each module, the next step is to review the corresponding lessons for that module. The Foundational Investigative Skills course is broken down into the following modules and lessons:

Module 1–Effective Observations Using the Five Senses
- Lesson 1–Observation and the Investigative Process
- Lesson 2–Best Practices in Observation

Module 2–Surveyor Boundaries: To Do or Not To Do
- Lesson 1–Best Practice #1: Maintain Professional Limits When Evaluating Care
- Lesson 2–Best Practice #2: Question Witnesses Carefully and Professionally
- Lesson 3–Best Practice #3: Start the Investigation with Front-Line Staff
- Lesson 4–Best Practice #4: Corroborate Hearsay

Module 3–The Surveyor in Court: Writing Defensible Citations
- Lesson 1–The Defensible Citation
- Lesson 2–The Best Defense Is a Good Defense

Module 4–Depositions and Hearing Testimony
- Lesson 1–Preparing for a Hearing or Deposition
- Lesson 2–Common Mistakes in Writing Deficiency Citations

Module 5–Sexual Abuse in Long-Term Care
- Lesson 1–Sexual Abuse in Long Term Care: Overview and Issues
- Lesson 2–Sexual Relations and the Capacity to Consent
- Lesson 3–Investigating and Documenting Cases of Sexual Abuse

1.11 Post-Test

Upon completion of each module, learners will take the Module Post-Test.
- The post-test is an open book exam; learners should print or open any reference material available under the Resources button (e.g., State Operations Manual, Survey and Certification (S&C) letters, etc.), prior to starting the test.
- If a learner exits the test before completion, it will count as an attempt.
• Learners are allowed three attempts to pass the exam during the month they are enrolled.
• Learners who do not pass the exam with a minimum score of 85 percent on the first attempt may choose from the following options:
  o Take a break.
  o Review the lessons, knowledge check questions, and resource materials.
  o Engage in additional self-study as needed.
  o Talk with their Training Coordinator or supervisor to arrange additional time to review the material.
  o Retake the exam when they are ready, up to two additional times during the month enrolled.
• Learners who do not successfully pass all Module Post-Tests within three attempts must receive approval from their State Training Coordinator and be reenrolled before retaking this course. The State Training Coordinator may require that learners receive mentoring to address any questions missed in the final post-test attempt.

Learners should contact the Help Desk if they encounter any technical problems during the course.

1.12 Estimated Contact Time (To Complete the Online Course)

Estimated contact time (often referred to as “seat time”) refers to the amount of time the average learner would require to complete all of the course content and any other online activities. A seat time of approximately 7.5 hours is estimated for this online course.

1.13 Learner Participation

In addition to reviewing the self-paced content in the course, learners will be prompted to participate in the instruction by responding to knowledge check questions, completing exercises, and accessing additional information through hyperlinks.

1.14 Knowledge Checks

Knowledge Check questions are a type of interaction presented throughout each lesson. They help learners assess whether or not they have met the learning objectives for that lesson. After answering a knowledge check question, learners will be provided with immediate feedback regarding the accuracy of their response.
For correct responses, learners will be told that the response is correct and given the reason why. For incorrect responses, learners will be told that the response is incorrect and be given the correct answer(s).

### 1.15 Keeping Track of Course Completion: Bookmarking

Learners may exit a module at any time. The system will record the point of exit and generate a bookmark. When they return to the module, they will be automatically directed to the frame at which they left off.

### 1.16 Media and the Course

This course uses a number of media resources including web pages and PDF documents. The minimum computer requirements section of this syllabus (section 1.20) identifies Adobe Acrobat as required software for this course. Having this program is the first step to being able to access the media in this course.

### 1.17 Recommended Minimum Configuration Requirements

The following computer configuration is required for you to access your online classroom via the Surveyor Training website learning environment. If your computer does not have the proper hardware, the course may run slowly or may not run at all. Prior to running the course on your computer, compare your current system configuration with the system requirements below:

**Hardware Minimum Requirements**

- 1.5 GHz CPU or greater with minimum of 1GB RAM
- Network adapter: LAN (Ethernet) or wireless (WiFi)
- DSL or cable broadband Internet (dial up not compatible)
- 3G and 4G connections not recommended when taking tests

**Minimum Operating Systems Requirements**

- Windows XP 32-bit, Vista, 7, or 8
- MAC OSX 10.7 or later

### 1.18 Browser Requirements

The following tables highlight the new platform and browser configurations tested using the following support terms:
- Supported: Supported by STW
- **Unsupported**: Unsupported or not supported by STW

## Microsoft Windows Operating Systems

<table>
<thead>
<tr>
<th></th>
<th>Internet Explorer 9</th>
<th>Internet Explorer 10</th>
<th>Internet Explorer 11</th>
<th>Google Chrome (34 or later)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windows Vista (32-bit)</td>
<td>Supported</td>
<td>Unsupported by Microsoft</td>
<td>Unsupported by Microsoft</td>
<td>Supported</td>
</tr>
<tr>
<td>Windows Vista (64-bit)</td>
<td>Supported</td>
<td>Unsupported by Microsoft</td>
<td>Unsupported by Microsoft</td>
<td>Supported</td>
</tr>
<tr>
<td>Windows 7 (32-bit)</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported</td>
</tr>
<tr>
<td>Windows 7 (64-bit)</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported</td>
<td>Supported</td>
</tr>
<tr>
<td>Windows 8 (32-bit)</td>
<td>Unsupported by Microsoft</td>
<td>Unsupported by Microsoft</td>
<td>Supported</td>
<td>Supported</td>
</tr>
<tr>
<td>Windows 8 (64-bit)</td>
<td>Unsupported by Microsoft</td>
<td>Unsupported by Microsoft</td>
<td>Supported</td>
<td>Supported</td>
</tr>
</tbody>
</table>

## Apple Mac Operating Systems

<table>
<thead>
<tr>
<th></th>
<th>Safari 7.0.3</th>
<th>Safari 8</th>
<th>Google Chrome (34 or later)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mac OS X 10.7</td>
<td>Unsupported by Apple</td>
<td>Unsupported by Apple</td>
<td>Supported</td>
</tr>
<tr>
<td>Mac OS X 10.8</td>
<td>Unsupported by Apple</td>
<td>Unsupported by Apple</td>
<td>Supported</td>
</tr>
<tr>
<td>Mac OS X 10.9</td>
<td>Supported</td>
<td>Unsupported by Apple</td>
<td>Supported</td>
</tr>
<tr>
<td>Mac OS X 10.10</td>
<td>Unsupported by Apple</td>
<td>Supported</td>
<td>Supported</td>
</tr>
</tbody>
</table>

## Android 4.2.2 (or later)

### Plug-ins

For this course, Acrobat Reader is required for PDF files.

### Computer Monitor Screen Resolution

This course is best viewed with a screen resolution of 1024x576. For help changing your monitor’s resolution, contact the Help Desk.
1.19 Copyright Warning

Training materials produced by Centers for Medicare & Medicaid Services (CMS) are considered to be in the public domain, except where specific copyrighted works have been incorporated into the material with permission from the copyright holder. Such permission allows CMS to use the material only within the full context of the course. These materials may include audiovisual materials (photos, slides, films, videos, computer generated images, illustrations, graphics, audio recordings) and text materials, such as direct quotes or entire reprints. With respect to such copyrighted works, reproducing them is prohibited without permission from the copyright holder.

1.20 Graphics Disclaimer

The images used in this lesson are either protected as indicated or obtained under a license agreement through ThinkStock, a stock images provider. This license prohibits the reuse, transmission, or reproduction of these images for any other purpose by any other user or source. Therefore, these images are not government property and are not available for download for any other purpose or distribution. Other materials used or referenced in this lesson may also be copyright protected. Copyright protected material may not be downloaded, used for any other purpose, or distributed.

1.21 Content Disclaimer

This course does not constitute official CMS regulations or policy, which may be found only in the Code of Federal Regulations and the State Operations Manual. The course includes material from other organizations and websites. Use of this material does not constitute any form of endorsement or approval from Centers for Medicare & Medicaid Services or the Department of Health and Human Services.