

## Sample Investigation Plan

Below is a sample investigation plan with expanded steps and considerations to evaluate in developing your own internal investigation plan.

<b>Step 1</b>	<ul style="list-style-type: none"> <li>• <b>Receive the Internal Complaint</b> <ul style="list-style-type: none"> <li>○ Ensure that the process for people to submit complaints is clear, well-publicized, accessible, and allows multiple submission methods</li> </ul> </li> </ul>
<b>Step 2</b>	<ul style="list-style-type: none"> <li>• <b>Consider Whether to Involve Attorney to Protect Attorney-Client Privilege</b></li> </ul>
<b>Step 3</b>	<ul style="list-style-type: none"> <li>• <b>Interview the Complainant</b> <ul style="list-style-type: none"> <li>○ Remove stakeholders from the investigation process</li> <li>○ Involve two people in initial interview</li> <li>○ Learn all the facts from the complainant: Who was involved? What happened? Where did the conduct happen? When did it happen?</li> <li>○ Narrow the scope of the complaint</li> <li>○ Don't guarantee confidentiality</li> <li>○ State that the organization does not tolerate retaliation against employees who report complaints</li> </ul> </li> </ul>
<b>Step 4</b>	<ul style="list-style-type: none"> <li>• <b>Document the Complaint and all Aspects of the Investigation</b> <ul style="list-style-type: none"> <li>○ Fairly and objectively summarize the complaint allegations and, as the investigation unfolds, the relevant witness information and the relevant tangible evidence</li> <li>○ Write summaries and notes as if they will be submitted to a regulatory body or discovered in the event of litigation</li> </ul> </li> </ul>
<b>Step 5</b>	<ul style="list-style-type: none"> <li>• <b>Determine Whether the Complaint Allegations Require Immediate Intervention</b> <ul style="list-style-type: none"> <li>○ If impacting a condition of payment, consider halting the billing of appropriate payor (e.g., Medicare)</li> <li>○ Must determine whether, based on the allegations, immediate action is needed to prevent harm or continual violations. <i>See, e.g., 42 C.F.R. 418.52(b)(4)(ii)</i></li> </ul> </li> </ul>
<b>Step 6</b>	<ul style="list-style-type: none"> <li>• <b>Plan Internal Investigation</b> <ul style="list-style-type: none"> <li>○ Identify possible sources of tangible evidence, including medical records, personnel files, and work rules, policies or procedures</li> <li>○ Identify witnesses and prepare key questions</li> <li>○ Determine the who, what, where, why, when, and how</li> <li>○ Identify prior hospice actions, if any, to address issues</li> </ul> </li> </ul>
<b>Step 7</b>	<ul style="list-style-type: none"> <li>• <b>Interview All Potential Witnesses and Gather and Analyze Relevant Documents</b> <ul style="list-style-type: none"> <li>○ Have two individuals conduct interviews</li> <li>○ Ask witnesses to identify other potential witnesses</li> <li>○ Act to prevent witnesses from collaborating on responses to questions</li> <li>○ Gather documents identified by complaining party</li> <li>○ Gather documents implicated by complaint or concern, e.g., clinical documents and medical records, reports, policies, and personnel files</li> </ul> </li> </ul>
<b>Step 8</b>	<ul style="list-style-type: none"> <li>• <b>Work with Stakeholders to Develop, if Necessary, a Corrective Action Plan</b> <ul style="list-style-type: none"> <li>○ If investigation reveals inappropriate conduct or practices, develop a proposed corrective action plan and consider whether further retrospective review is needed due to 60-day repayment rule</li> <li>○ Work with compliance team, management, and Board to discern whether a corrective action plan is needed, and what it will address</li> <li>○ If corrective action plan is warranted, specify what actions will be taken, by whom, and when</li> </ul> </li> </ul>
<b>Step 9</b>	<ul style="list-style-type: none"> <li>• <b>Inform Appropriate Parties of the Investigation's Conclusions</b> <ul style="list-style-type: none"> <li>○ Board of Directors</li> <li>○ Management</li> <li>○ The complainant</li> <li>○ The "accused"</li> <li>○ Provide information to all other personnel on a "need-to-know" basis</li> <li>○ Regulatory authorities, if needed</li> </ul> </li> </ul>
<b>Step 10</b>	<ul style="list-style-type: none"> <li>• <b>Compile a Final Investigative File</b> <ul style="list-style-type: none"> <li>○ The investigation summary or report</li> <li>○ List of individuals interviewed and all interview notes</li> <li>○ Documents requested and reviewed</li> <li>○ Actions taken in response to investigation findings (e.g., a corrective action plan) or reasons why no action was taken</li> <li>○ Place all materials in a secure and confidential place</li> </ul> </li> </ul>

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