

Sample Investigation Plan

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

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

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