

# Report on Medicare Compliance Volume 28, Number 19. May 20, 2019

## Checklist for Internal Investigations: Avoid Reinventing the Wheel

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Hazelden Betty Ford Foundation in Minnesota developed this tool to help plan investigations (“‘Challenging Interviews’ With Angry, Evasive and Sad People Call for Different Approach,” RMC 28, no. 19). Contact Jackie Stemwedel, senior manager of standards and compliance, at [jstemwedel@hazeldenbettyford.org](mailto:jstemwedel@hazeldenbettyford.org).

### Section 1: Common Workplace Complaints

#### A: Critical Policies

- |  |  |
|--|--|
| <input type="checkbox"/> Code of Conduct                         | <input type="checkbox"/> Conflict of Interest P&Ps               |
| <input type="checkbox"/> Drug/Alcohol Use P&Ps                   | <input type="checkbox"/> Financial P&Ps                          |
| <input type="checkbox"/> Gifts/Gratuities P&Ps                   | <input type="checkbox"/> Interactions with Patients/Clients P&Ps |
| <input type="checkbox"/> Harassment/Discrimination P&Ps          | <input type="checkbox"/> Privacy P&Ps                            |
| <input type="checkbox"/> Technology P&Ps                         | <input type="checkbox"/> Social Media P&Ps                       |
| <input type="checkbox"/> Workplace Relationships/Boundaries P&Ps |  |

#### B: Situations Meriting an Investigation

- |  |  |
|--|--|
| <input type="checkbox"/> Billing and Coding Issues                   | <input type="checkbox"/> Conflict of Interest              |
| <input type="checkbox"/> Disclosure of Confidential Information      | <input type="checkbox"/> Discrimination                    |
| <input type="checkbox"/> Drug/Medication Control                     | <input type="checkbox"/> Harassment                        |
| <input type="checkbox"/> Improper Employment or Disciplinary Actions | <input type="checkbox"/> Misconduct/Inappropriate Behavior |
| <input type="checkbox"/> Patient Care/Safety                         | <input type="checkbox"/> Theft/Vandalism                   |
| <input type="checkbox"/> Unlawful/Improper Payments                  | <input type="checkbox"/> Workplace Retaliation/Retribution |

### Section 2: Preparing for an Investigation

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## A: Considering Risk Factors (if you answer yes to any questions, consult the Legal Department)

- ☐ Y ☐ N Alleged violation of state or federal law or the code of ethics that would result in serious harm to individuals or the organization, or significant civil or criminal penalties?
- ☐ Y ☐ N Allegation against executive leadership member?
- ☐ Y ☐ N Allegation involving more than a single team or multiple reports from various teams directed toward a single leader?
- ☐ Y ☐ N Allegation involving multiple sites, a region or the organization?
- ☐ Y ☐ N Allegation that could undermine the effectiveness of the compliance program?
- ☐ Y ☐ N Allegation that could result in media attention, damage (monetary or reputational)?
- ☐ Y ☐ N Allegation that could result in government actions against the company?
- ☐ Y ☐ N Allegation that could result in the need to make a regulatory report?

**IMPORTANT: If you answered yes to any of the questions above, consult with the Legal Department.**

## B: Determining Investigation Participants

- |   |   |
|---|---|
| <input type="checkbox"/> Lead Investigation Dept.   | <input type="checkbox"/> Lead Investigator    |
| <input type="checkbox"/> Co-investigator/Note-taker | <input type="checkbox"/> Stakeholders         |
| <input type="checkbox"/> Reporter(s)                | <input type="checkbox"/> Implicated Person(s) |
| <input type="checkbox"/> Witnesses/Interviewees     | <input type="checkbox"/> In-house Counsel     |

## C: Collecting Evidence

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel file ( <i>Implicated Person</i> )            | <input type="checkbox"/> Personnel file ( <i>Reporter</i> )                      |
| <input type="checkbox"/> Prior Investigation Files ( <i>Implicated Person</i> ) | <input type="checkbox"/> Prior Investigation Files ( <i>Reporter</i> )           |
| <input type="checkbox"/> Supervisory files                                      | <input type="checkbox"/> Photographs   |
| <input type="checkbox"/> Voicemails   | <input type="checkbox"/> Incident Reports  |
| <input type="checkbox"/> Patient Records  | <input type="checkbox"/> Electronic health record activity ( <i>Keystrokes</i> ) |
| <input type="checkbox"/> Department Schedules/Shift Logs                        | <input type="checkbox"/> Timecards   |

☐ Financial records

☐ Email communications

☐ Surveillance footage

☐ Network drives/Hard drives

☐ Professional Code of Conduct

☐ Policies & Procedures

☐ Social Media Activity

☐ Text Messages

## D: Interview Planning

☐ Plan the order of interviews (often with the reporter first, then witnesses, and the implicated person last)

☐ Be aware of interviewee's employment status & regular work hours

☐ Mark calendar invites "private"

☐ Schedule interviews in a confidential location

☐ Whenever possible, do not include managers/supervisors in direct report interviews

☐ Limit information shared with managers/supervisors (minimum necessary; need to know)

☐ Prepare interview script and questions

☐ Anticipate interviewee answers/reactions/behaviors/questions and plan your response

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