

# Complete Healthcare Compliance Manual Resource: Sample Internal Investigation Checklist

By Hazelden Betty Ford Foundation

## Internal Investigation Checklist

\*\*\*Please utilize this document as a reference tool and consult with your organization for preferred items to place on this checklist and proper processes to follow within your organization.\*\*\*

**IMPORTANT:** To the extent possible, all investigations must be completed within X # of days of receiving notification or otherwise becoming aware of an incident. Additionally, recommendations and action plans resulting from the investigation should be communicated as soon as possible, but no later than x # of business days upon completion of the investigation.

### Section I: Common Workplace Complaints

A: Critical Policies	
<input type="checkbox"/> Code of Conduct	<input type="checkbox"/> Technology P&P's
<input type="checkbox"/> Conflict of Interest P&P's	<input type="checkbox"/> Social Media P&P's
<input type="checkbox"/> Drug/Alcohol Use P&P's	<input type="checkbox"/> Workplace Relationships/Boundaries P&P's
<input type="checkbox"/> Financial P&P's	<input type="checkbox"/>
<input type="checkbox"/> Gifts/Gratuities P&P's	<input type="checkbox"/>
<input type="checkbox"/> Interactions with Patients/Clients P&P's	<input type="checkbox"/>
<input type="checkbox"/> Harassment/Discrimination P&P's	<input type="checkbox"/>

<input type="checkbox"/> Privacy P&P's	<input type="checkbox"/>
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**B: Situations Meriting an Investigation**

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

**Section 2: Preparing for an Investigation**

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

<input type="checkbox"/> Y	<input type="checkbox"/> 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?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation against executive leadership member?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation involving more than a single team or multiple reports from various teams directed toward a single leader?

<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation involving multiple sites, a region or the organization?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation that could undermine the effectiveness of the compliance program?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation that could result in media attention, damage (monetary or reputational)?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegation that could result in government actions against the company?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Allegations 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

Lead Investigation Dept

Lead Investigator

Co-investigator/Note-taker

Stakeholders

Reporter(s)

Implicated Person(s)

Witnesses/Interviewees

In-house Counsel

#### C: Collecting Evidence

Personnel file (Implicated Person)

Department Schedules/Shift Logs

Personnel file (Reporter)

Timecards

Prior Investigation Files (Implicated Person)

Financial records

Prior Investigation Files (Reporter)

Email communications

Supervisory files

Surveillance footage

Photographs

Network drives/ Hard drives

Voicemails

Professional Code of Conduct

Incident Reports

Policies & Procedures

Patient Records

Social Media Activity

Electronic health record activity (Keystrokes)

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

## Section 3: Conducting Workplace Investigations

### A: Investigation Reminders

Begin investigation as soon as practical after receipt of complaint or once there is reason to believe that inappropriate conduct, violation of policy, etc. has occurred.

Open and maintain a case (whether electronically or on paper); document in real-time

Create a timeline and update as investigation evolves

Determine whether an investigation should be attorney-client privileged (*consult with in-house counsel*)

Assume that all emails, notes and other investigation materials are discoverable in litigation

Determine who needs to be in the know and how much information should be provided

Determine who needs to be part of your investigation interviews and involve them right away in the process

## B: Conducting Interviews

Introduce and provide explanation of interview (i.e. goal to gather information that person may have)

Explain the investigation process and your role

Discuss confidentiality; do not promise absolute confidentiality

Review non-retaliation policy; explain what constitutes retaliation; provide interviewee with notice doc

If the interview is conducted by an attorney, provide Upjohn Warning

Let the interviewee give their story; record all details(*day, time, place, witnesses, documents*)

Begin with general non-leading questions(*what is your role at the organization; how long have you worked with the implicated person; how would you describe your relationship*)

Move into more specific questions(*when did the incident occur*)

Drill down highly specific questions(*describe the incident, persons involved, has this happened before*)

Determine identity of all persons involved in conduct

Determine identity of all witnesses involved in conduct

Explore whether the interviewee knows if any other individuals have been subjected to conduct

Go through events chronologically again; document details and relevant statements

Do not record or transcribe interviews, document exact statements in quotes, as appropriate

Obtain or request relevant documents or evidence

Invite the interviewee to contact you with questions or additional information

#### C: Determining Interim Remedies

Separate parties

Temporary reassignment

Administrative leave (*with or without pay*)

Suspend network/email access

## Section 4: Closing an Investigation

#### A: Preparing a Final Written Report

Review all notes, statements and evidence

Determine if any additional or follow-up interviews are needed

Update timeline

Analyze each interviewee's story; assess credibility and plausibility

Determine whether a violation of policy, Code of Ethics, the law or inappropriate conduct has occurred

Prepare final report; detail steps taken and reasons for conclusions; do not make legal conclusions

## B: Remediating Workplace Complaints

Inform the key stakeholder(s) of the findings; share the final report with person(s) responsible for determining remedial/corrective action

Offer recommendations (i.e. Coaching; verbal or written warning; PIP; termination, return to work plan)

Follow-up with reporter to ascertain whether retaliation has occurred

Follow-up with key stakeholder(s) to learn final actions/disciplinary action

## C: Completing Final Steps

Document the case outcome

Document final actions taken

Close the investigation (i.e. close electronic file or finalize and secure all documentation if on paper)

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