

Report on Medicare Compliance Volume 32, Number 17. May 01, 2023 Sequestered Emails, Confidential Interviews Helped Investigation of VP, Board Member

By Nina Youngstrom

When an employee told Chief Compliance Officer Donnetta Horseman that the vice president (VP) of the quality department was falsifying data reported to Leapfrog—a quality ratings organization—she set in motion a sensitive investigation. The complaint was significant because quality ratings are “reported and celebrated widely” and used in marketing materials and contract negotiations with payers, said Horseman, now chief compliance officer at Moffitt Cancer Center in Florida, who was describing an event at a previous employer. The fact that a senior executive was under suspicion added another dimension.

Investigating leaders and board members is particularly stressful and challenging because “they exert significant influence and authority over the organization,” Horseman said at the Health Care Compliance Association’s Compliance Institute April 24.^[1] There’s also “the need to ensure complete and total confidentiality and keep the circle of knowledge about the investigation extremely small.”

After receiving the false-data allegation directly from an employee of the hospital’s quality department, Horseman’s first step was to notify the CEO and chief legal officer, partly to cloak the investigation in attorney-client privilege. She also informed the chief medical officer (CMO) because the VP of quality reported directly to the CMO. Before getting any deeper into the investigation, Horseman asked IT to sequester the VP’s network files and emails without letting the VP know. Then Horseman created an investigation plan.

“We interviewed team members and found there was intentional falsification on Excel spreadsheets and Power Points presented internally in meetings and entered into websites,” Horseman said. All interviews were documented, something she recommends in real time. “Contemporaneous documentation is important because you will forget things,” she noted. “Depending on who you are interviewing, you may want to have a witness participate.” IT also sequestered the minutes of all meetings where the false quality ratings were discussed to ensure the VP couldn’t access them.

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