

Long-Term Care Survey Alert

Be Prepared for This Investigator Ploy

Help staff even the playing field during interviews with investigators.

Picture this: A nurse agrees to talk to investigators who want information about a resident fall that occurred months ago. And the investigators -- who, by the way, have practically memorized the resident's medical record -- press the nurse to recall specific details of the incident.

Best approach: When investigators ask a staff member about an error or incident, the staff person should know they have the right to ask to see the chart. "Staff members need to resist the temptation to give uninformed responses," emphasizes attorney **Jennifer Gimler Brady**, with Potter Anderson & Corroon LLP in Wilmington, Del. "The passage of time clouds recollections. And off-the-cuff answers can lead to serious consequences for staff members, as well as the facility."

Also advise staff not to speculate about things they don't know for a fact, advises attorney **Joseph Bianculli**, in private practice in Arlington, Va. For example, "if an investigator shows you a note or document created by someone else, do not speculate what that person meant," he says.