

Long-Term Care Survey Alert

Compliance Tip: Don't Cross the Line When Teaching Staff How to Respond to Auditors, Surveyors

Beware ever saying this.

Solid bet: "With all the different entities out there doing audits, it's not a matter of if but when someone will knock on your door," says attorney **Paula Sanders**, with Post & Schell in Harrisburg, Pa.

And part of your preparation for such an event should include educating staff about how to deal with auditors in an appropriate way.

"You can't tell staff not to speak to an investigator but you can inform them of their rights -- those are two totally different things," Sanders relays. "The policy should be that 'we cooperate, we tell the truth, we don't hide things.' That's where the training piece comes in. You don't want a rogue manager running around saying, 'Don't say anything.' And then boom, you're hit with an obstruction of justice charge."

Sanders says she doesn't have a problem with training people to understand how to reply to questions, which is what attorneys do to prepare people for a deposition. "You teach people to listen to the question and answer and not guess or be afraid to say, 'I don't know,'" if accurate. If the person isn't sure about an answer, he can say: "I can't recall but I will check into it" or "I am not certain about the answer, but I will find out for you," Sanders says.

"What often gets people into trouble is speculating in an effort to be helpful," she warns.