

Long-Term Care Survey Alert

Survey Management: Don't Let Complaints Back Your Facility Into an F-Tag Corner

Failing to meet these requirements may compound your survey woes.

Beware: Attorney **Joseph Bianculli** knows of an immediate jeopardy case where a family member made a complaint to the facility administrator during the same morning that the facility's annual survey began. "The complaint got shuffled around," he says, and by the time anyone in the facility looked into the matter, it was too late. "Somehow surveyors wound up citing [I] for] what the facility considered to be an exaggerated version based on its own investigation," says Bianculli, in Arlington, Va.

If the facility had investigated the complaint more quickly, it's "certainly possible" it could have achieved a better outcome, says Bianculli, "since they would have been able at least to offer their version and conclusions."

Reality: "It is not unusual for the complainant (especially a family member) to go to the state first rather than the administrator," Bianculli observes.

Solution: "The obvious preventive," says Bianculli, "is to have good communication with all stakeholders, where residents, families, staff, ombudsmen, etc., know where to raise concerns." You also have to show them through your demeanor and feedback that you take any concern seriously, he adds.

3 More Strategies Can Head Off Survey Disasters

1. Make sure to meet federal and state reporting requirements. If surveyors find during a complaint investigation that the facility hasn't reported incidents to the state survey agency, as required, watch out. The facility could be looking not only "at citations and/or fines pertaining to [the issue that led to the complaint] but also at being cited for failure to report," warns **Joy Cornelius**, a risk management consultant for a nursing home liability insurer in Birmingham, Ala. "If I were a surveyor and uncovered reportable events that should have been reported but weren't, I would really start to dig deeper to see what else has gone unreported."

2. Get QA on the case. "An ongoing quality assurance system may provide an opportunity to identify ... issues that may be the subject of a complaint," says **Cindy Mason, LCSW, NHA**, vice president of provider services for Nursing Home Quality in Denver, which does Quality Indicator Surveyor consulting and training. Using the "QIS resident and family interviews, as well as the other Stage 1 assessments, assists facility staff to identify potentially negative quality of life and care outcomes." Once the facility identifies these, it "can investigate the individual or system issue to determine if it would constitute regulatory non-compliance," adds Mason. (You can download the QIS tools at www.qtso.com/qisforms.html.)

Identification is only one aspect of the process, however, Mason continues. "The facility must develop and implement a corrective action plan and monitor its effectiveness." "If a facility has identified an issue, such as falls, and developed and implemented a plan that mitigates the issue," surveyors could cite past non-compliance, Mason adds. "But the facility's actions have the potential to assist in impacting the regulatory response."

3. Be transparent about survey issues and fixes. Consultant **Janet Gerber, RN-BC**, has observed that nursing facilities that end up on a termination track related to a complaint survey "hadn't communicated adequately with the residents, staff, and public regarding the problems they were experiencing involving the survey process -- and what they were doing to correct those concerns."

If facilities don't take that tack, "mistrust often evolves," adds Gerber, president of Gerber Consulting Services Inc. in

Clymer, Pa. "Rumors fly" and people call the survey agency rather than communicate "through an adequate facility-based grievance process," she says. Gerber reports seeing this "in both corporate and freestanding nursing facilities where management felt they needed to hold what was really going on close to the chest without disclosure." But they didn't realize that "the results will be posted on the Internet."