

Long-Term Care Survey Alert

SURVEY MANAGEMENT: Take Your Survey Fate In Hand With This Preemptive Plan

Anticipate and fix these key vulnerabilities.

Sometimes your survey outcome is the luck of the draw, but you can greatly improve your odds of coming out unscathed if you anticipate and manage these commonly overlooked problem areas.

If you're looking for a crystal ball to predict future F tags, take a look at your survey record for the past three to five years. "If you notice a trend" in deficiencies, you can bet the state survey agency will too, said **Matthew Murer**, an attorney with the Chicago office of **Foley & Lardner LLP**, in a presentation at the most recent **American Association of Homes & Services for the Aging** annual meeting.

When you take a close look, you may find the facility still has "ongoing difficulties" with the same common issues cited in previous surveys, adds **Jason Lundy**, also an attorney with Foley & Lardner. For example, a facility may still have "problems with documentation or reporting allegations of abuse and neglect through the designated chain of command in the facility," he tells **Eli**. If so, "polish up" the corrective actions that the facility implemented for previous plans of correction, he suggests.

Common example: Say you've been cited previously for staff failing to report abuse and neglect allegations up the facility's management chain, Lundy postulates. Then "drill into employees" that the administrator or abuse coordinator determines whether an allegation is founded or not after a full investigation."

Employ Damage Control During the Survey

Once surveyors are on the premises, these strategies can keep the survey from taking a wrong turn.

- **Appoint someone to accompany the surveyors**--and also a "runner," suggested Murer. The runner can retrieve documents and also warn other staff about what surveyors appear to be targeting so they can look into the care issues in real time. Otherwise, you could be blindsided by surveyors' concerns that have morphed into major citations.
- **Do a "daily review of the status" of the survey**, advised Murer. Yes, you're worn down at the day's end, he acknowledged. But "you are on such a tight timeframe," you need to start collecting documents and preparing for the exit interview as soon as possible.
- **Keep tabs on your attitude.** Facilities often make the mistake of focusing more on the surveyors' attitude, which is something you can't control, says **Kurt Haas**, a former surveyor who is now a consultant in Amanda, OH. "Instead focus on coming across as "wanting to be helpful and offering information as required in a matter-of-fact, calm way," he suggests. "That communication approach can go a long way to putting everyone at ease during the survey."
- **Don't let residents' needs go unheeded** in the heat of the survey. To prevent that from happening, facilities managed by **TSW Management Group** assign each department head a group of residents' rooms to check in on every 20 minutes during the survey, says **Kathy Hurst, RN, JD**, director of operations for the Anaheim, CA-based company. The approach helps eliminate the potential for surveyors to detect problems before the nursing staff does. Examples include a change in resident condition or a resident screaming or yelling because his needs haven't been met, she says. It also "minimizes the risk of accidents, such as falls" and makes sure someone answers residents' call lights timely, she adds.

- **Keep an eye on employees who seem to lack that "internal edit button,"** as Lundy puts it. Those are the staff members whom you can imagine walking up to surveyors and whispering: "I think I know why you are here. It's about that dialysis thing, isn't it?" said Murer in his presentation. "The surveyors, who are no fools, will say, 'Yeah ... tell me more.'" And the staff person says, "Yep, I knew it was bad."

What you can and can't do: "You can't prevent a staff person from talking to a surveyor," Lundy notes. "But you can ask employees at the end of the day to summarize in writing their discussions with surveyors," he advises. The administrative team can "compare an employee's written summary of her interview discussion against the surveyor's written summary of the interview," he says. The employees' summaries of discussion can also help the administrative team prepare for the exit conference and dispute the [surveyors'] allegations."

Management tip: Create an open environment and ongoing dialogue to get people to express their concerns about resident care or other problems before surveys so you can address them, advises Lundy. "The worst thing any administrator can have happen is first hearing about a problem from a surveyor."

Enlist Surveyors As Allies

"Ben Franklin said that the best way to turn an enemy into a friend is to enlist them to help you with something," said Murer in his presentation. So, in between surveys, enlist the survey agency's assistance occasionally with a tough challenge, he suggested. By asking for the survey agency's assistance occasionally, you will have a contact at the agency to discuss a problem or dispute that comes up with a survey. You can call and say: "Remember us? We called last year about that fruitcake incident ... now we have this survey issue."