

Long-Term Care Survey Alert

SURVEY PREPARATION: 5 Surveyor Tactics Can Trap You Into F Tags

Don't let surveyors bait you into making statements that end up on the SOD.

All's not fair in surveys, but you can protect yourself from common "gotcha" ploys surveyors have been known to use to get staff to unwittingly nail their facility.

Prime example: People tend to feel uncomfortable with silence. And a surveyor might ask a caregiver a simple question, which the person answers. Then the surveyor purposefully remains quiet for a period of time to see if the staff person gets nervous and provides additional information, cautioned Chicago attorney **Matt Murer** who co-presented with **Jason Lundy** at the most recent **American Association of Homes & Services for the Aging** annual meeting in San Antonio.

These Surveyor Refrains Can Leave You Dancing to F Tags

Below Murer provides a rundown of other "golden oldies" that he's seen surveyors use on unwitting caregivers eager to please or cowered by the survey process. Murer also explains how to sidestep these smooth maneuvers.

1. The surveyor says to the caregiver performing a procedure: Do you realize you're doing that wrong? The staff person's first reaction may be "this must be wrong, I need to change it," cautioned Murer.

Proactive strategy: Conduct cross mock surveys with another facility using outside staff who acts "mean like surveyors." That way staff will be "conditioned to be under fire," said Murer. If the staff person believes she is performing the procedure correctly, she can learn to say, "I believe I'm doing this correctly. This is our protocol. If you have questions, I understand you may want to talk to the administrator or director of nursing."

2. The surveyor asks: "Were you not trained how to do this correctly? Did they not talk to you about this?"

The caregiver concludes: I'm doing this wrong and that must be because I wasn't trained. Yet if the staff person tells the surveyor she wasn't properly trained to do a procedure, even if untrue, the facility may have an F tag in the works.

Proactive strategy: Before the survey, say to the caregivers: I have the training records here and sign-in sheets. Anyone not remember being trained on transfer? Anyone forget about our policy on elopement? Remind them that they know, advised Murer.

Even the day of the survey, spend a lot of reminding staff that they have been trained well, although things can happen and everyone can make a mistake. Tell them "Don't let the surveyors make you feel that you don't do your job well. I support you; we all support each other."

3. The surveyor says to the caregiver: "What do you mean you don't know? When the staff person tries to hazard a guess by answering, "Well, I heard or I think ...," it tends to go downhill after that," cautioned Murer.

You'll see the person's "guess or wrong answer" quoted in the "statement of deficiencies," **Joseph Bianculli**, an attorney in Arlington, VA, tells **Eli**.

Proactive strategy: Teach staff that they shouldn't be afraid to say, "I don't know. Let's look at the care plan or I'll find out" for you, suggests former surveyor **Kurt Haas** in Amanda, OH.

4. The blame game. The surveyor says to the staff person: "Do you know how this happened? Maybe it's your fault." The staff person answers, "No, I think Jane was the root cause of this problem."

Proactive strategy: Teach staff that care is everyone's responsibility, advised Murer.

The 'Heart to Heart' Can Break Your Survey

5. Surveyors cozy up to the DON as "one nurse to another" to discuss what the surveyor sees as problems in the facility.

The surveyor may say to the DON, "This isn't very good, is it?" The dialogue almost feels like "they're having a drink at the bar," said Murer. Next thing you know, the DON who is "leading with her heart," says, "Yes, I agree it's wrong." Yet the DON hasn't even really checked into the surveyor's concern. Nevertheless, the DON's quote appears on the CMS 2567. Murer said when he's talked to DONs who have made such admissions, they often say something like: "The surveyor and I were having a moment. I felt bad. I was afraid it wasn't right."

Best advice: If you find yourself about to say to a surveyor, "I shouldn't be telling you this, but ... Don't!" emphasized Murer.

Key point: Continuously "train employees that surveyors are not their friends--and that anything they say to surveyors can, and most definitely will--be used against them," advises Bianculli.

When a surveyor expresses concerns, never cry mea culpa on the spot. For example, if the surveyor asks indignantly: "How could this happen?" you can reply, I don't know ... this is the first I've heard of it but we're going to take a hard look at it, suggested Murer.

Remember: The nursing facility administrative staff can sit down with surveyors at the exit conference to explain the facility's position.