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Washington Health Care Association

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BUILDING A RELATIONSHIP WITH REGULATORS AND TAKING THE LEAD IN MANAGING YOUR FACILITY'S SURVEY

Objectives

- Identify key opportunities to engage and build a relationship with state agency staff.
 - Identify barriers to effective and positive communication and relationships with regulators.
 - Identify key communication and coordination strategies in order to prepare for and help drive the survey process from a facility standpoint once the regulators are in the building.
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Why do you need to put time and effort into forming a relationship?

Sound relationships matter

Personal

- Honesty
- Integrity

Professional

- Success of your facility
- Reputation
- Future
- Job Security/Satisfaction



Keys to Forming a Relationship

Know who you are communicating and dealing with regulators and licensing bodies.

Invest the time to educate yourself on the role of the regulator and their mission/focus.

Understand the key times to communicate with and form a relationship with regulators.

What is your intent during those conversations/opportunities

Key Times to Communicate

1. *When the facility is in compliance with the regulations*
 - a. New job, changes job role or function
 - b. New corporation
 - c. New buildings and changes of ownership
 - d. Changes in focus or care delivery models
 - e. Events that are newsworthy
 - f. Egregious events
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Key Times to Communicate

2. During an inspection

a. Surveyors/Complaint Investigators in the facility

b. Managers

3. During times of enforcement/department action onsite

Key Times to Communicate

4. Following an inspection (out of compliance)

- a. POC*
 - b. Re-visit*
 - c. Concerns regarding citations*
 - d. Concerns regarding staff or process*
 - e. Positive feedback regarding staff/process*
 - f. IDR*
 - g. Hearing/Appeal*
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Key Times to Communicate

5. *During rule making process*

Don't underestimate the importance of being involved and sharing the provider's point of view



Know the Entities/Agencies That Conduct Investigations

- CMS
 - State Agency
 - CMS Contractors
 - Adult Protective Services
 - Advocates-Ombuds, Disability Rights (DRW)
 - OHS&L&I
 - Medicaid Fraud
 - Department of Health-Professional, Food Borne Illness, Infections, Pharmacy, Construction Review Services
 - Public Health Department
 - Law Enforcement
 - DEA
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Compliance Response Program

- Staff Training
- Know responsibilities
- Uniform response and professional conduct

The facility should have a strong and well-publicized policy against obstructing or interfering with investigations or audits. Employees should **not**, under any circumstances:

1. Destroy or alter any facility document or record.
2. Lie or make false or misleading statements.
3. Attempt to persuade any other employee.

According to AHCA Legal Committee Action Brief, 11/7/2007.

What Does the Surveyor See, Hear, Smell, and Feel When They Enter Your Facility?

- Use your senses
- Secret Shopper
- Off Hours
- Weekends
- Holidays



Preparation is Key

Who notifies all department heads?

What immediate audits are conducted?

Who interfaces with surveyors?

Where do you locate the surveyors?

Is the area equipped to meet their needs?

Are there access and processes in place related to EHR 24/7?

Preparation is Key

Clear expectations and guidelines for Response & Communications

Responsibilities

Training

Time it

Drill it

Debrief

Preparation is Key-Communication During the Survey

Developed Communication Channels:

Staff

Residents

Families

Surveyors

State Agency/Managers

Pharmacy, MD/Practitioners, Rehab/Therapists

Don't Be Afraid to Ask Questions

- Where are we in the process?
 - Is there anything immediate that you should know about?
 - What is the process?
 - How can the facility be of assistance to answer questions, facilitate information access, etc.?
 - Explain your processes and systems
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Staff Communication

- Professional
 - Honest
 - Make sure that you are managing and supervising your staff
 - What do you need to know, when you need to know it?
 - Engagement
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Be Prepared for the Unexpected

- Federal Surveyors
 - Immediate Enforcement Action
 - Stop Placement
 - Conditions on License
 - IJ
 - Substandard Care
 - Extended/Partial Extended Survey
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Surveyor Conflicts of Interest

Disqualifies Surveyor for a particular SNF:

- Surveyor currently works, or within past 2 years has worked as an employee, employment agency staff at the facility, or as an officer, consultant, or agent of the facility being surveyed
 - Surveyor has financial interest in the facility
 - Surveyor has an immediate family member who has a relationship with a facility
 - Surveyor has an immediate family member that is a resident of the facility
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Build In and Plan for Stress Relief

- Make survey preparedness an everyday culture
 - Know your regulations, requirements, stay up to date with changes and trends
 - Read the CMS and State Agency communications
 - Train Your Staff
 - Role Model expected behaviors and professionalism
 - Plan for Staff Incentives
 - MOST IMPORTANTLY-Celebrate Successes
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