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**Be Informed During the Survey Process!**

The Department of Inspections and Appeals (DIA) is charged with inspecting health care facilities to ensure they are meeting state licensure and/or federal conditions of participation in the Medicare and Medicaid programs. These inspections are referred to as the “survey process.” Sometimes this process is very amicable, other times, however, the process can be very stressful or adversarial. Regardless of how the survey is proceeding, it is important for you to know your rights and the responsibilities as well as the obligations of the facility.

Pursuant to state and federal requirements, facility management must cooperate and make any and all employees available to be interviewed by the surveyors at the facility. At no time can facility management instruct you not to talk to or cooperate with the state surveyors as this may be considered impeding the survey process. With this in mind, you have the right to be informed about your rights and options during the survey process.

* Always tell the truth! No matter what the circumstances, it is always the wisest choice to tell the truth.
* Always be professional and courteous.
* Understand that nothing is ever “off the record” discussion with surveyors. Anything you say will likely be recorded in the surveyor’s records and may be used against you or the facility.
* You have the right to fully hear and understand the question. Listen carefully to the question and if you do not understand the question being asked, ask the interviewer to re-phrase the question. Do not answer any question you do not understand.
* Do not anticipate where the question is going and quickly answer; take your time to fully understand the question and to contemplate your answer.
* It is perfectly fine to say “I don’t know” if indeed, you do not know or cannot recall.
* Do not speculate and be careful of hypothetical questions. Speculation is not credible evidence and is not appropriate fact gathering. Each and every situation is so factually specific it is not appropriate to give answers that are speculative.
* If you are being asked about a particular document (an incident report for example), you have the right to review the document to refresh your recollection. Likewise, if you are being asked about an incident for which

documentation exists, you have the right to review such documentation to refresh your recollection.

* You have the right to take a break at any time to catch your composure or go to the bathroom.
* You have the right to request a witness be present during the interview.
  + During recertification surveys surveyors are to respect this request unless allowing another in the room would jeopardize the investigatory process.
  + Beginning July 1, 2010, any person under investigation for dependent adult abuse shall be afforded the right to have another present during the interview. The representative could be a co-worker, facility representative, union representative or legal counsel (hired at own expense).
* If during a recertification survey you feel intimidated, harassed or threatened by anyone during the interview, you have the right to end the interview.
* If you are asked to write a statement, sign a document prepared by someone else, you have the right to do so free of intimidation or coercion. Further, you have the right to take a reasonable amount of time to contemplate the content of any such statement and to keep a copy of your statement prior to giving it to anyone. If another asks you to sign a written document, you have the right to take some time to review it to determine whether it accurately states what you said or everything you intend to say – even if this means thinking about it overnight. If you think that the document is not accurate or is incomplete, you have the right to correct the errors and make additions to the statement. Note – that no one has the right to ask you for a copy of the statement or to tell you what to put in it, not the state and not facility management.
* If you are called by the state when you are “off the clock”, you have the right to request the surveyor meet you at the facility at a time convenient for you so that you may clock in and be paid for your time.
* You have the right to record any interview that you participate in Note, however, that all parties must be afforded a copy of the interview immediately following the interview. DIA is now tape recording exit interviews so tape recording equipment should be readily accessible.
* You have the right to seek legal representation at your own expense at any time during the survey process.

Finally, don’t get shaken. If you hear the question more than once and you believe your original answer continues to be accurate, stick to it! Don’t get rattled and stay confident.