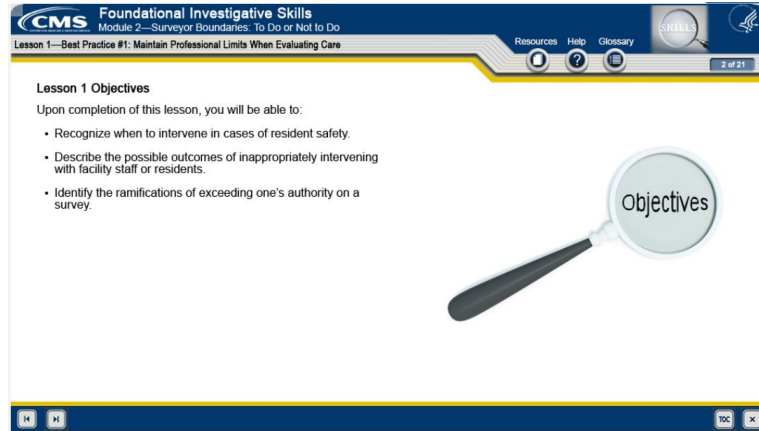


Foundational Investigative Skills Module 2, Lesson 1

The image is a screenshot of a training module interface. At the top, a blue header bar contains the CMS logo and the text 'Foundational Investigative Skills', 'Module 2—Surveyor Boundaries: To Do or Not to Do', and 'Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care'. To the right of the header are links for 'Resources', 'Help', and 'Glossary', along with a search icon and a '1 of 21' indicator. The main content area is white and features the title 'Best Practice #1: Maintain Professional Limits When Evaluating Care' centered at the top. Below the title are three square images of individuals: a woman on the left, a man in the center, and a man on the right, all pointing their right index fingers towards the viewer. At the bottom of the slide, there are navigation icons for back, forward, and search, and a '1 of 21' indicator.

Best Practice #1: Maintain Professional Limits When Evaluating Care

Foundational Investigative Skills Module 2, Lesson 1



Lesson 1 Objectives

Upon completion of this lesson, you will be able to:

- Recognize when to intervene in cases of resident safety.
- Describe the possible outcomes of inappropriately intervening with facility staff or residents.
- Identify the ramifications of exceeding one's authority on a survey.

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Foundational Investigative Skills Module 2, Lesson 1

CMS Foundational Investigative Skills
Module 2—Surveyor Boundaries: To Do or Not to Do
Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care

Resources Help Glossary 9 of 21

Where Are Your Boundaries?
Contemplate the serious thought behind this light-hearted cartoon, and then select the **Forward** button to continue.



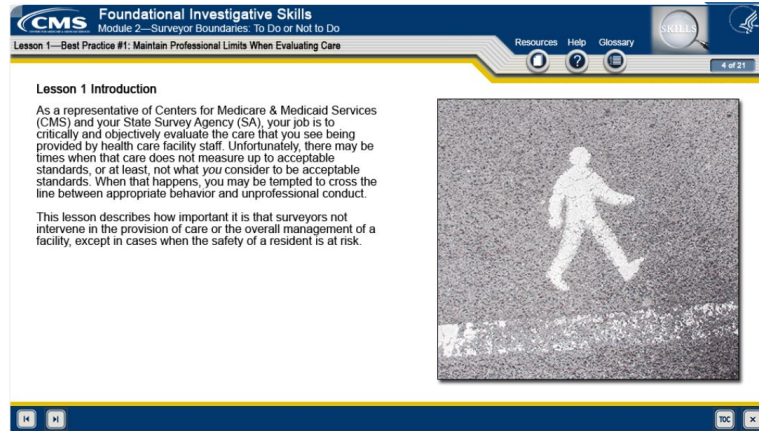
"I'm not bossy, I just have better ideas!"

Navigation icons: back, forward, search, etc.

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Contemplate the serious thought behind this light-hearted cartoon, and then select the **Forward** button to continue.

Foundational Investigative Skills Module 2, Lesson 1



The screenshot shows a web-based interface for the CMS Foundational Investigative Skills Module 2. The header includes the CMS logo, the title "Foundational Investigative Skills", and the subtitle "Module 2—Surveyor Boundaries: To Do or Not to Do". Below the header, the lesson title "Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care" is displayed. The main content area is titled "Lesson 1 Introduction" and contains two paragraphs of text. To the right of the text is a square image of a white silhouette of a person walking on a dark, textured surface. The interface also features navigation buttons for "Resources", "Help", and "Glossary" in the top right, and a "4 of 21" indicator. At the bottom, there are small icons for "K", "M", "B", and "X".

Lesson 1 Introduction

As a representative of Centers for Medicare & Medicaid Services (CMS) and your State Survey Agency (SA), your job is to critically and objectively evaluate the care that you see being provided by health care facility staff. Unfortunately, there may be times when that care does not measure up to acceptable standards, or at least, not what you consider to be acceptable standards. When that happens, you may be tempted to cross the line between appropriate behavior and unprofessional conduct.

This lesson describes how important it is that surveyors not intervene in the provision of care or the overall management of a facility, except in cases when the safety of a resident is at risk.

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Foundational Investigative Skills Module 2, Lesson 1

The screenshot shows a web-based training module interface. At the top, it displays the CMS logo and the title 'Foundational Investigative Skills'. Below that, it specifies 'Module 2—Surveyor Boundaries: To Do or Not to Do' and 'Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care'. The main content area is titled 'Do Evaluate Care' and contains a paragraph of text followed by a bulleted list of seven questions. To the right of the list is a graphic of three blue cubes with white text: 'WHERE', 'HOW', 'WHAT', 'WHEN', and 'WHO'. Below the list is a concluding paragraph. The interface includes navigation buttons like 'Resources', 'Help', and 'Glossary' at the top right, and a '8 of 21' indicator at the bottom right.

Do Evaluate Care

Observation is the most important type of evidence in an investigation. If you notice a possible regulatory violation, it is critical that you not involve yourself in the situation. Instead, step back, observe, and document what you see.

- Where were staff members at the time the incident occurred?
- What time did the incident occur?
- Which resident(s) or patient(s) was/were involved?
- Who was responsible for the resident at that time?
- What was the staff doing, or not doing?
- What measures did the staff take in response to the issue?
- How many staff responded, or failed to respond, to the issue?
- How long did the problem continue, or go unattended?

These types of observations enable you to evaluate the quality of care facility staff is providing. For nursing homes, this is essential to establishing the scope and severity of a deficiency.

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Foundational Investigative Skills Module 2, Lesson 1

CMS Foundational Investigative Skills
Module 2—Surveyor Boundaries: To Do or Not to Do
Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care


Resources Help Glossary # of 21

Know When to Intervene

There may be times when it is necessary for you to intervene. In emergency situations, where residents are in danger of serious injury or staff is not nearby, you should act responsibly and intervene. If there is an elopement, for example, or you see a resident choking and there are no staff members available, you should respond accordingly to the situation.

In a case where a nurse is about to make a serious medication error without realizing it, for example, surveyors should stop the error from occurring by asking the nurse to explain what he or she is doing, and then explain why it is wrong. In such instances, you should notify staff immediately of the incident and your actions. This is also in accordance with Appendix P, Task 5-Information Gathering, of the [State Operations Manual \(SOM\)](#) which indicates that surveyors are to maintain open dialogue with facility staff throughout the survey process.

Aside from these and similar situations, you should not intervene with the operations of the facility and you should never dictate management decisions. Always remain focused on your purpose for being in the facility and what will serve the greater long-term good of the residents under that facility's care.



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Foundational Investigative Skills Module 2, Lesson 1

CMS Foundational Investigative Skills
Module 2—Surveyor Boundaries: To Do or Not to Do
Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care

Resources Help Glossary 7 of 21


When to Notify Staff of Deficient Practices

You may be asking, "But, I thought surveyors were supposed to tell facilities about deficiencies. Otherwise, how could they correct them?"

It is true that surveyors are supposed to tell facilities about any deficient practices they observe. The SOM tells us that when deficiencies are found, surveyors should explain the deficiency to the provider in terms specific enough to allow a reasonably knowledgeable person to understand why the regulatory requirement is not met.

In many situations, the explanation of the deficiency itself provides the necessary information needed to correct the problem. This explanation is part of the survey process and is not considered consulting or intervening.

The key, however, is timing. Select the **Forward** button to read more.



When to Notify Staff of Deficient Practices

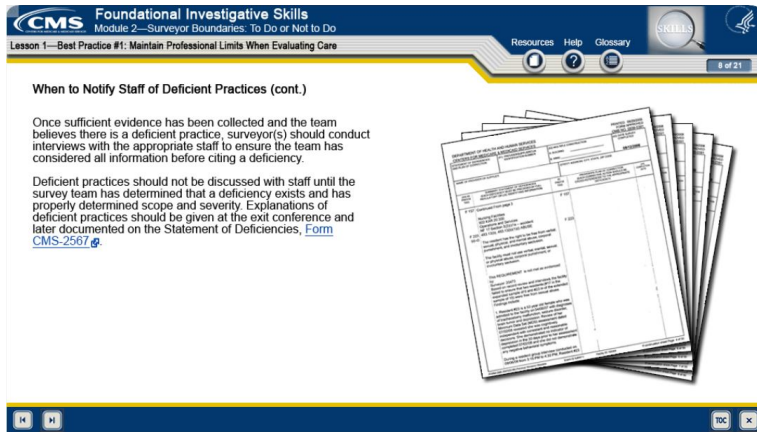
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Foundational Investigative Skills Module 2, Lesson 1



The screenshot shows a slide from a CMS training module. The header includes the CMS logo, the title 'Foundational Investigative Skills', and the subtitle 'Module 2—Surveyor Boundaries: To Do or Not to Do'. Below the header, it specifies 'Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care'. The slide content is titled 'When to Notify Staff of Deficient Practices (cont.)' and contains two paragraphs of text. The first paragraph states that once sufficient evidence is collected and a deficiency is believed to exist, surveyors should conduct interviews with staff. The second paragraph states that deficiencies should not be discussed until the survey team has determined their scope and severity, and that explanations should be given at an exit conference and documented on Form CMS-2667. To the right of the text is an image of several overlapping forms, including Form CMS-2667. The slide has a blue header and footer with navigation icons.

When to Notify Staff of Deficient Practices (cont.)

Once sufficient evidence has been collected and the team believes there is a deficient practice, surveyor(s) should conduct interviews with the appropriate staff to ensure the team has considered all information before citing a deficiency.

Deficient practices should not be discussed with staff until the survey team has determined that a deficiency exists and has properly determined scope and severity. Explanations of deficient practices should be given at the exit conference and later documented on the Statement of Deficiencies, [Form CMS-2667](#).

When to Notify Staff of Deficient Practices (cont.)

Once sufficient evidence has been collected and the team believes there is a deficient practice, surveyor(s) should conduct interviews with the appropriate staff to ensure the team has considered all information before citing a deficiency.

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Foundational Investigative Skills Module 2, Lesson 1

CMS Foundational Investigative Skills
Module 2—Surveyor Boundaries: To Do or Not to Do
Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care

When Surveyors Intervene

As a surveyor, your job is to investigate possible deficiencies and determine whether the facility is in compliance with the regulations, not to consult with or manage the staff. If you intervene with residents and staff in a non-emergency situation, your actions may damage the survey process and could lead to professional consequences for yourself.

Select **Play** to watch the video.

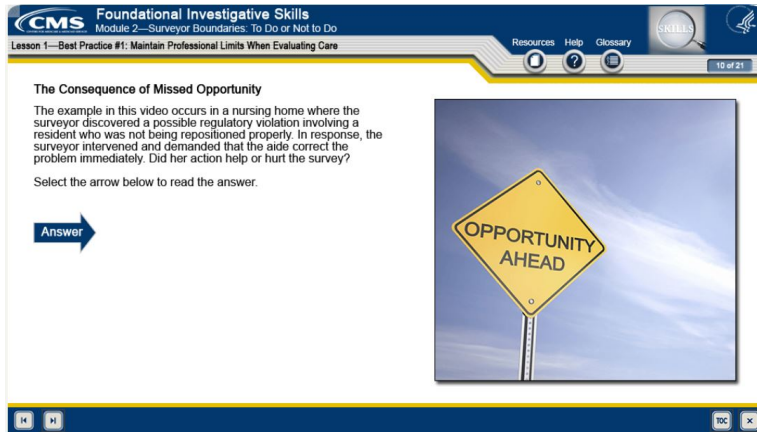
9 of 21

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Select **Play** to watch the video.

Foundational Investigative Skills Module 2, Lesson 1



The Consequence of Missed Opportunity

The example in this video occurs in a nursing home where the surveyor discovered a possible regulatory violation involving a resident who was not being repositioned properly. In response, the surveyor intervened and demanded that the aide correct the problem immediately. Did her action help or hurt the survey?

Select the arrow below to read the answer.

Answer

In this example, the surveyor's actions may have damaged the survey process. By intervening and telling the staff what to do, the surveyor eliminated the opportunity to make additional observations, which, in turn, could hamper the team's ability to properly determine the scope and severity of the problem. How many other residents were not being repositioned properly? How many other staff failed to reposition the resident? Drawing attention to the incident could give management enough time to correct the issue before surveyors have a chance to observe whether the problem is causing serious harm and/or is a pattern or is widespread.

Foundational Investigative Skills Module 2, Lesson 1

Foundational Investigative Skills
Module 2—Surveyor Boundaries: To Do or Not to Do
Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care

The Consequence of Doing More Harm

Besides losing the opportunity to perform an effective investigation, there is another practical reason for not intervening when you observe deficient practices. Intervening may get you, the surveyor, into trouble. Remember that you are only in the facility for a short period of time and may have limited information about a situation. By intervening with residents and staff, you run the risk of giving bad advice. In such cases, you might actually end up doing more harm than good. If the facility changes their procedures to follow your recommendations and a negative outcome occurs, you could be blamed for the incident.

Select each box below to read an example of how intervening during a survey might result in unintended harm.

[Example 1](#) [Example 2](#) [Example 3](#)

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Select each box below to read an example of how intervening during a survey might result in unintended harm.

Example 1

Several residents complain that they don't have access to money from their trust fund on weekends because the office is closed. You inform the facility you will be citing this as a violation and advise the facility that they must make money available for residents. You offer an example of a facility that lets nurses keep money locked in the medication cart. The facility administrator decides to follow your advice and instructs the office manager to leave \$200 with the nurse every Friday. A few weeks later, the administrator notes that the money was distributed, but there was no way to determine to whom given, or what amount was dispensed to each resident. In response, the administrator calls your office and complains you failed to advise them properly regarding policy and procedure for this practice.

Example 2

A facility is cited for multiple falls with injuries by a single resident. At the exit conference, you advise the facility to use a lap buddy on the wheelchair at all times to prevent future falls. A week later, the resident slips down in the wheelchair and is noted by a staff member to be choking due to pressure on his throat from the lap buddy. In a self-reported incident, the facility names you as advising them to use the device.

Example 3

You inform the facility they are not in compliance with the requirements for supervision to prevent elopements by confused, wandering residents. You tell the administrator and the Director of Nursing (DON) they need to install alarms for their exit doors to correct the deficiency. The facility installs the alarms. However, at the conclusion of the revisit survey, the facility is again cited for noncompliance with the requirement because an unsupervised, confused resident left the facility undetected when a visitor exited through the front door, and was found by the police walking along an interstate a mile from the facility. Staff had heard the door alarm but disregarded it because they knew a visitor was leaving. The facility blames you for their continued noncompliance, which resulted in a civil monetary penalty and loss of their nurse aid training program. The root cause of the facility's problem was not a lack of door alarms, as you had assumed, but was staff's lack of knowledge of residents they were to supervise for potential elopement.

Foundational Investigative Skills Module 2, Lesson 1

Knowledge Check

What are the possible consequences of intervening with facility staff or residents during a survey? Select all that apply.

- a. The surveyor may do more harm than good.
- b. The surveyor may lose the opportunity to see if the problem is a pattern or widespread.
- c. The surveyor may fail to protect residents from an accident, elopement, or serious medication errors.
- d. The surveyor may not be able to determine the severity of the deficiency.

Submit

Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue.

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- d. The surveyor may not be able to determine the severity of the deficiency.**

Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue

Submit

Incorrect. The correct answers are that the surveyor may do more harm than good, may lose the opportunity to see if the problem is a pattern or widespread, and may not be able to determine the severity of the deficiency.

Correct. Surveyors are only at a facility for a short period of time and may not have all the information on a given situation. By intervening and telling staff what they should do, surveyors could end up doing more harm than good. In addition, the surveyor may lose the opportunity to see if the problem is a pattern or widespread, and may not be able to determine the scope and severity of the problem.

Correct answers: A, B, D

Foundational Investigative Skills Module 2, Lesson 1

Knowledge Check

When is it appropriate for surveyors to intervene with staff or residents?

- a. Never
- b. Only in cases of emergency where the resident is at risk for harm
- c. Always
- d. Only when they are given permission to do so by facility administrators

Submit

Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue.

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- c. Always
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Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue.

Submit

Incorrect. In emergency situations where residents are at risk for harm, surveyors should act responsibly and intervene. The correct answer is only in cases of emergency where the resident at risk for harm.

Correct. In emergency situations, where residents are at risk for serious injury and staff may not be nearby, surveyors should act responsibly and intervene.

Correct answers: B.

Foundational Investigative Skills Module 2, Lesson 1

Overstepping Boundaries

The surveyor's job is to identify deficient practices and explain those deficiencies to providers, not to demand immediate corrective actions from facility staff.

Evidence of regulatory violations should be recorded on Form CMS-807 Surveyor Notes Worksheet and discussed during survey team meetings. If the team decides there is a deficiency with a regulatory requirement, the deficiency should be cited on Form CMS-2567 and discussed with facility management in the exit conference.

Select **Play** to watch the video.

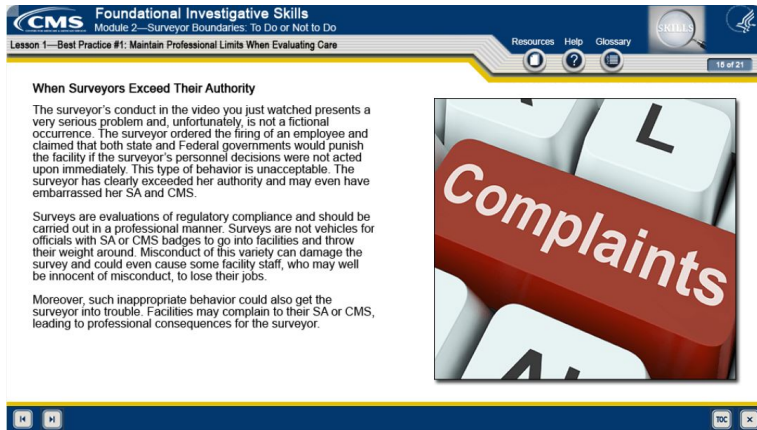
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Foundational Investigative Skills Module 2, Lesson 1



The screenshot shows a web-based training module interface. At the top, it displays the CMS logo and the title 'Foundational Investigative Skills'. Below that, it specifies 'Module 2—Surveyor Boundaries: To Do or Not to Do' and 'Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care'. The main content area is titled 'When Surveyors Exceed Their Authority' and contains three paragraphs of text. To the right of the text is a 3D graphic of a red keyboard key with the word 'Complaints' written on it. The interface includes navigation buttons at the bottom and a search bar at the top right.

When Surveyors Exceed Their Authority

The surveyor's conduct in the video you just watched presents a very serious problem and, unfortunately, is not a fictional occurrence. The surveyor ordered the firing of an employee and claimed that both state and Federal governments would punish the facility if the surveyor's personnel decisions were not acted upon immediately. This type of behavior is unacceptable. The surveyor has clearly exceeded her authority and may even have embarrassed her SA and CMS.

Surveys are evaluations of regulatory compliance and should be carried out in a professional manner. Surveys are not vehicles for officials with SA or CMS badges to go into facilities and throw their weight around. Misconduct of this variety can damage the survey and could even cause some facility staff, who may well be innocent of misconduct, to lose their jobs.

Moreover, such inappropriate behavior could also get the surveyor into trouble. Facilities may complain to their SA or CMS, leading to professional consequences for the surveyor.

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Foundational Investigative Skills Module 2, Lesson 1

The screenshot shows a CMS web page with a blue header. The header contains the CMS logo, the title 'Foundational Investigative Skills', and the subtitle 'Module 2—Surveyor Boundaries: To Do or Not to Do'. Below the header, the page title is 'Lesson 1—Best Practice #1: Maintain Professional Limits When Evaluating Care'. The main content area has a white background and contains the following text:

Undermining the Survey Process

Requiring immediate corrective actions by facility staff, except for cases of immediate jeopardy, or otherwise exceeding your authority during a survey can also erode confidence in the survey process.

While there are some providers who do not believe the survey process is fair and useful in identifying problems in facilities, there are a number of providers who are open to the idea that they can benefit from a process which identifies problems they were not aware existed. If you abuse your authority during an investigation, it may cause an otherwise open-minded provider to conclude that the survey system is unfair and rigged against them. In such instances, the efficacy of the survey process is undermined and your actions fuel those interest groups who are seeking to dismantle the survey process altogether.

To the right of the text is a graphic of a dial with 'OPEN MIND' in green on the top half and 'CLOSED MIND' in red on the bottom half. A red needle is pointing towards the 'CLOSED MIND' section. The dial is surrounded by a globe and a magnifying glass.

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Foundational Investigative Skills Module 2, Lesson 1

Exercise—Has the Surveyor Crossed the Line?

The same resident was observed standing near an exit door several times a day on two separate days during the survey. The door led to a fenced area with a smoking patio and several staff were noted assisting residents in and out using a code on the alarm pad to open the door. All of the staff ignored the resident standing by the door and, although he did not attempt to go out when the door was opened, he was observed once trying to input a code on the alarm pad unsuccessfully.

The resident's care plan identified him as a risk for elopement. Further investigation revealed that the resident's room is near the door and he stands there frequently, but has never gone out the door. The staff noted that he likes watching the activity outside and acknowledged his right to be there. They also noted that he is easily agitated, so they do not make unnecessary requests of him. Based on the evidence, the surveyor instructed the Director of Nursing (DON) not to allow this resident to stand at the exit because he may go out the door. Has the surveyor exceeded her authority? Select your answer below.

Yes No

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Yes

Correct. Unless a resident is in immediate danger of harm, surveyors should not tell facility staff what to do. In this case the surveyor should have shared the concern with facility management after all the evidence was gathered. She may even have written a deficiency citation, if it was determined that the resident was at risk. However, based on that deficiency and/or the surveyor's comments at the exit conference, it is ultimately the facility's responsibility to determine how to keep the resident safe.

No

Incorrect. The correct answer is YES. Unless a resident is in immediate danger of harm, surveyors should not tell facility staff what to do. In this case, the surveyor should have shared the concern with facility management after all the evidence was gathered. She may even have written a deficiency citation, if it was determined that the resident was at risk. However, based on that deficiency and/or the surveyor's comments at the exit

Foundational Investigative Skills Module 2, Lesson 1

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Foundational Investigative Skills Module 2, Lesson 1

Knowledge Check

Which of the following might be a consequence if a surveyor exceeds his or her authority during an investigation? Select all that apply.

- a. May cause facility staff who are innocent of misconduct to lose their jobs
- b. May compromise the integrity of the survey and potentially embarrass the agency
- c. Facility may report surveyor misconduct to the State Survey Agency (SA) or CMS
- d. May undermine the effectiveness of the survey process

[Submit](#)

Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue.

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- d. May undennine the effectiveness of the survey process**

Choose your answer, then select the Submit button. When you are finished, select the Forward button to continue.

Submit

Incorrect. All of the answers listed are possible consequences of inappropriate behavior during an investigation. If a surveyor exceeds his or her authority, it could compromise the integrity of the survey and potentially embarrass the agency. This may cause facility staff to lose their jobs unnecessarily. The surveyor's actions may undermine the effectiveness of the survey process and the facility may report the surveyor for misconduct to the SA or to CMS.

Correct. If a surveyor exceeds his or her authority during an investigation, it could compromise the integrity of the survey and potentially embarrass the agency. This may cause facility staff to lose their jobs unnecessarily. The surveyor's actions may undermine the effectiveness of the survey process and the facility may report the surveyor for misconduct to the SA or to CMS. All of the answers listed are correct.

Correct answer: a, b, c, and d.

Foundational Investigative Skills Module 2, Lesson 1

Lesson 1 Key Points

The key points to remember from this lesson include:

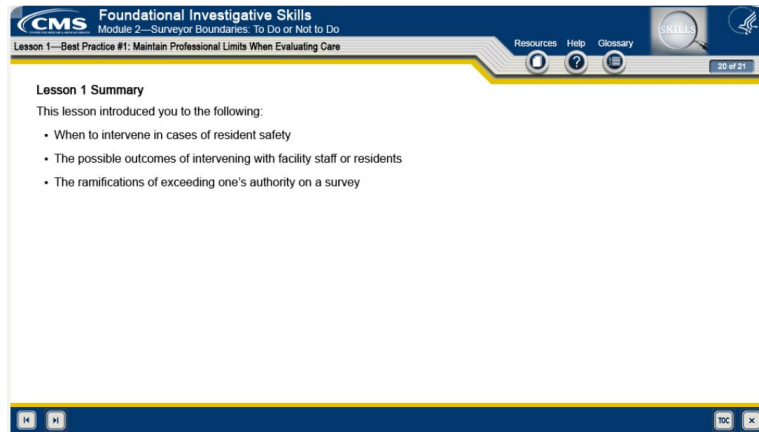
- A surveyor who exceeds his or her authority is unprofessional and potentially embarrassing to their State Agency and CMS. This type of misconduct undermines the survey process.
- A surveyor's job is to evaluate the care given to residents by facility staff and determine whether the facility is in compliance with the regulations. It is NOT the surveyor's job to tell facility staff what to do.
- Intervening with residents and staff can cause missed opportunity to observe whether the problem is causing serious harm and/or is widespread
- Intervening with residents and staff may cause more harm than good if the surveyor has limited information and makes short-sighted demands or falsely accuses an innocent person of misconduct.
- Surveyors should intervene only in emergency situations where residents are at risk for serious injury and staff is not nearby or where staff is going to make a serious error in care, such as a serious medication error.

Lesson 1 Key Points

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Foundational Investigative Skills Module 2, Lesson 1

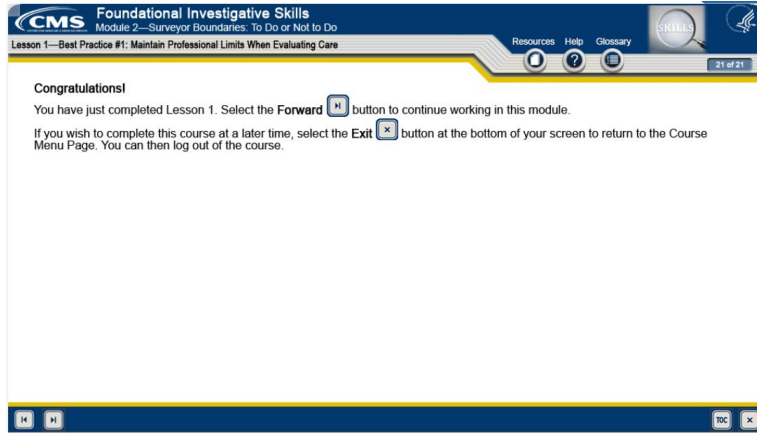


Lesson 1 Summary

This lesson introduced you to the following:

- When to intervene in cases of resident safety
- The possible outcomes of intervening with facility staff or residents
- The ramifications of exceeding one's authority on a survey

Foundational Investigative Skills Module 2, Lesson 1



Congratulations!

You have just completed Lesson 1. Select the **Forward** button to continue working in this module.

If you wish to complete this course at a later time, select the **Exit** button at the bottom of your screen to return to the Course Menu Page. You can then log out of the course.