W9 – Internal Investigations: What’s In Your Organization’s Toolkit?

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Agenda

Internal Investigations: What’s In Your Organization’s Toolkit?

- Necessities of an Investigation Toolkit
- Internal Investigation Team
- Internal Ethics Hotline
- Investigation Severity Levels & Timelines
- Five Stages of an Investigation
- Reporting Investigation Data
Why is a thorough investigation important?

Kellie Auld: The Cost of a Bad Investigation

- Reference: https://www.youtube.com/watch?v=c_kkV9OxQ2I

**Internal Investigations**

Why conduct a thorough investigation?

- To gather facts to determine if violations of laws, regulations or policies have occurred
- To make the individual feel heard
- Mitigate risk
- Safety
- Quality
- Prevention
Develop an Investigation Toolkit

Why?

- Guidance to conduct thorough investigations
- Standardized, objective investigations
- Defined procedures
- Documentation expectations
- Consistent training on conducting investigations

Necessities of an Internal Investigations Toolkit

Three necessities for your internal investigations toolkit

1. Documentation (templates)
2. Internal Investigation Team
3. Training/Education
Investigation Toolkit: Documentation

- **Decision Tree**
- **Templates**
  - Investigation Plan
  - Severity Level Guide
  - Interview Guide & Template
  - Evidence Matrix
  - Performance Improvement Plan
  - Corrective Action Memo
  - Final Investigation Report/Summary of Findings

- **Reference Materials**
  - Investigation Steps & Checklist
  - Interview Tips
  - Upjohn Warning
  - Fairness and Confidentiality Statement for Interviews
  - Tips on Interview Note-taking
  - Managing Documents
  - Retention Policy

Just like a multi-purpose tool, you won’t need all of the tools all of the time, but they will be available to you should you need them.

Identify Your Internal Investigation Team

- Determine who is conducting your internal investigations
  - Although you may pull in several other areas throughout the course of an investigation, identify who will be coordinating and conducting interviews for your investigations
- Manage investigation toolkit templates
- Identify best way to communicate among your investigators
- Identify training needs for the group
  - How to conduct investigations, how to utilize your ethics hotline, etc.
- Continue to focus on improving processes, tools and trainings
Developing and training your Investigation Toolkit

- Determine the needs for your organization
- Train investigators on your toolkit
- Continue to refine processes and items in your toolkit
- Agree upon central, secure storage/access of your toolkit so updated templates can easily be located
- Conduct post-investigation reviews
- Conduct mock investigations

Reports of Ethical Concerns

- Develop a method for triaging concerns
- Determine who should manage the hotline (based on staffing patterns, expertise, etc.)
- Determine a standardized way to assign cases to the proper investigator(s)
- Communicate the procedure to your internal investigators
Severity Levels for Conducting Investigations

Identify Severity Levels

- Example of severity levels:
  - Low Severity Level/Green:
    - clearly no eminent risk to patients or members of the workforce
    - no eminent risk to assets
    - lower likelihood of reputational risk
  - Medium Severity Level/Yellow:
    - no immediate risk to patients or members of the workforce
    - low/moderate risk to assets
    - low/moderate reputational risk
  - High Severity Level/Red:
    - potential for immediate risk to patient or workforce member safety
    - moderate to high risk to assets
    - moderate to high reputational risk

Timelines for Conducting Investigations

- Conduct timely investigations
- Identify expectations for investigation timelines
- Flexible timelines
- Follow severity level timeline expectations
- Maintain communication with key stakeholders
Precipitating Event of the Investigation Process: Allegation

Reported information:
• Allegation through the hotline phone call.
• The reporter is choosing to remain anonymous, however did note that they are an employee of the organization.
• The reporter observed Steve Sawyer, a staff member for the organization, engaging in inappropriate behavior while on the job. The reporter disclosed that this occurred in the past week.

First Stage of the Investigation Process: Issue Identification

- Follow-up with reporter to acknowledge the report was received
- Note that we will be looking into the matter further
- Identify any initial clarifying questions to be answered
- Encourage the individual to reach out with questions or to provide further information
Reporter’s Story

The reporter responded with further information:
- Incident happened in break room
- Steve leaning into Sally’s personal space
- When confronted Steve’s response was “You know Sally, she’s always dramatic”

First Stage of the Investigation Process:
Issue Identification Continued…

Investigation Plan

- Review further detail given from reporter
- Identify the issue
- Delegate investigation leader
- Develop investigation plan
Investigation Plan

- Elements of an Investigation Plan
  - Initial information
  - Investigation team
  - Brief description of the allegation
  - Risk factors
  - Stakeholders
  - Evidence gathering
  - Witness interviews
  - Work plan
  - Timeline of events

Second Stage of the Investigation Process: Interviewing Plan/Interviews

- Interview planning
  - Who will be interviewed
  - Order of interviews
  - Who will conduct/take notes
  - Formulate questions

- Elements of an interview template
  - Interviewer/interviewee names, date/time of interview
  - Introductory script
  - Key questions relevant for individual
  - Closing script, including reminder regarding zero-tolerance for retaliation
Second Stage of the Investigation Process: Interview Questions

- Conduct interviews in a private area
- Draft interview questions
- Review interview questions with co-investigators or other appropriate investigation team members
- Assure thorough note-taking during the interview

Second Stage of the Investigation Process: Tips for Conducting Interviews

- Maintain self-awareness
- Build rapport
- Pay attention to body language of the interviewee
- Allow silence for the interviewee to provide their response
- Rephrase questions if non-specific responses were provided
Second Stage of the Investigation Process: Interviews Continued…

Interview with Sally

- Steve made inappropriate comments
- Steve was in her personal space
- She tries to avoid Steve
- She has mentioned this to co-workers
- Hasn’t told her supervisor
- Her supervisor and Steve are good friends

Next Steps: What are Your Thoughts?

What would you do with this information?
Second Stage of the Investigation Process: Interviews Continued…

Interview Summary

- Review interview notes
- Document notes
- Review policies
- Revisit investigation plan
- Determine next steps

Second Stage of the Investigation Process: Interviews Continued…

Interviews with Co-Workers

- Conduct interviews
- Review interview notes
- Revisit investigation plan
- Determine next steps
Second Stage of the Investigation Process:
Interviews Continued…

Interview with Supervisor: Bill

Bill reports:
• Steve is a funny guy
• Gets along well with everyone
• Bill hasn’t received any complaints
• Bill and Steve are golf buddies

Third Stage of the Investigation Process:
Analyze Concerns

Analysis

- Policies & procedures
- Emails
- Video monitoring
- Grievances
- Completed trainings
- Badge access
- Electronic health record
- Phone records
- Internet use
- Incident reports
- Local reporting requirements
- Previous investigations
Interview Preparation for the Accused

- Potential Administrative Leave
- Prepare for all possible responses
- Gather all evidence and facts to support questions
- Held in a private area away from coworkers and patients
- Interview positioning
- Note-taker

Interviewing the Accused

Interview with the Accused: Steve

Steve’s perspective:
- He has excellent boundaries
- Co-workers are flattered that he gives them attention
- Doesn’t see anything wrong with giving compliments
- He has never violated any policies
- Sally is being sensitive
Next Steps: What are Your Thoughts?

What would you do with this information?

Third Stage of the Investigation Process: Analyzing Interview Data

- Communicate with your co-investigator
- Analyze the information received to determine any additional interviews required
- Determine additional information needed (any questions left unanswered)
Fourth Stage of the Investigation Process: Completing Documentation

Required documentation for every investigation:
• Investigation plan
• Interview notes/templates from each investigator/note taker
• Evidence (i.e. emails, attestations, letters, video, etc.)
• Final investigation report

Final Investigation Report

- Elements of the Final Investigation Report
  - Investigation overview
  - Interviews conducted
  - Evidence gathered
  - Timeline
  - Analysis
  - Non-retaliation steps taken
  - Recommendations
Fifth Stage of the Investigation Process: Recommendations

- Training of staff
- Policy and/or procedure edits
- Regulatory reporting required
- Secondary investigation to occur
- Documentation deficiencies identified
- Systemic vs. individual concerns identified
- Messaging your process for ethical concerns

Fifth Stage of the Investigation Process: Corrective Action

Corrective action
- Verbal Warning
- Written Warning
- Final Written Warning
- Performance Improvement Plans
- Termination
Reporting Investigation Data

- Examples of data to be presented:
  - Number of investigations conducted
  - Types of investigations
  - Days investigation is open
  - How the issue was identified (i.e. hotline phone call, email, direct phone call to staff person, in-person, etc.)
  - Outcomes of the investigations that have concluded (i.e. substantiated, unsubstantiated, action taken, etc.)
  - Location of the investigation
Thank you!

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