

## **An Effective Compliance Investigation Begins With A Plan**

**By Richard Kusserow | October 1 2020**

For most organizations, the need to conduct an [effective compliance investigation](#) does not arise very often, but when it does, it is critical that the investigation is done well and promptly. Otherwise, it risks creating issues that caused the need for the investigation in the first place and also seriously undermining confidence in the Compliance Officer. Therefore, it is very important that an investigation is well planned and executed and not mismanaged due to poor early decisions and mistakes. The following are some basic principles involved in investigative planning:

- 1. Immediately Triage Complaints:** This process is similar to that used by hospitals, which quickly assign priority levels to incoming emergency department patients according to the severity of their respective conditions. Compliance Officers should follow the same principle by promptly analyzing all complaints and allegations to sort out the issues by importance (i.e., potential harm to individuals and the organization) and determine which ones require immediate action and by whom.
- 2. Identify Relevant Documents:** This step involves identifying documents that are needed (e.g., Code of Conduct, policies, applicable laws and regulations, billing/coding records, financial information, contracts, etc.). This process also includes documents related to individuals named or involved in the matter to be investigated (e.g. personnel files for employment history and conduct). For some documents, there may be a need to determine where they are located and who has custody of them.
- 3. Select Investigator(s):** It is important to choose the right people to conduct investigations. Investigators should have some [training on conducting investigations](#) and be free of any potential conflicts of interest (such as being personally acquainted with any parties named in the complaint). Also, the issues that might have to be investigated vary greatly and may require specialized backgrounds (e.g., knowledge of technical medical issues, IT issues, or billing and coding, or familiarity with the organization's business environment and executive leadership, etc.). In cases that involve highly sensitive or complicated issues, it may be necessary to engage an outside party to conduct the investigation.
- 4. Establish Interview List:** As part of the initial analysis of the complaint/allegations, an interview list should be established that includes those who need to be interviewed, the order of the interviews, and the location for the interviews, which should be away from work areas.

- 5. Prepare Interview Outline:** For persons being interviewed, it is important to determine what information should be sought from them. As such, a tailored outline of key points that need to be addressed for each interview should be prepared to obtain details related to the issues being investigated. This should be an outline, not a list of questions.
  
- 6. Document Management:** It is very important to establish a system by which evidentiary documents are always maintained under strict control. This includes secure storage in a limited access area. It is a best practice to only use copies of evidentiary documents during the investigation and keep originals under lock and key.

Taking these initial planning steps should permit launching an effective investigative response to allegations and complaints. For more information on conducting compliance investigations or [investigator training](#), contact Richard Kusserow at [Rkusserow@strategicm.com](mailto:Rkusserow@strategicm.com).