

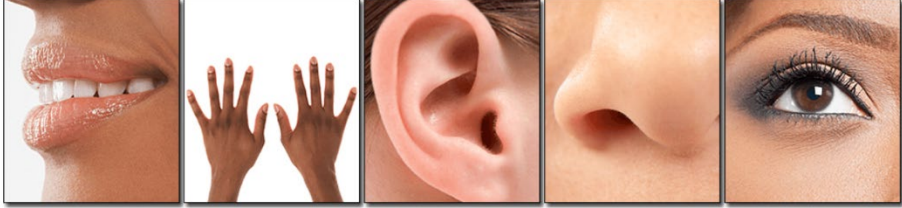
# Foundational Investigative Skills Module 1, Lesson 1

**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses

Resources Help Glossary

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## Effective Observations Using the Five Senses



Effective Observations Using the Five Senses

TOC X

## Effective Observations Using the Five Senses

## Foundational Investigative Skills Module 1, Lesson 1

**Module 1 Objective**

Upon completion of this module, you will be able to describe the concepts and skills necessary to develop strong observation techniques on a survey.

Objectives

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# Foundational Investigative Skills Module 1, Lesson 1

**Module 1 Menu**

This module is organized into two lessons, which will take approximately 1 hour to complete.

- Lesson 1—Observation and the Investigative Process
- Lesson 2—Best Practices in Observation

This module is designed to take each lesson in the order presented since one builds upon the other. To aid the learning process, there are questions interspersed throughout each lesson to help you focus your attention while reviewing each topic.

After you have completed all lessons, select the **Exit** button at the bottom of your screen to return to the Course Menu Page on the Surveyor Training website.

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# Foundational Investigative Skills Module 1, Lesson 1

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## Observation and the Investigative Process

# Foundational Investigative Skills Module 1, Lesson 1

**Lesson 1 Objectives**

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

- Recognize the components of an effective investigation including the relationships between evidence, facts, and conclusions.
- Explain the importance of detailed, well-documented observations.
- Identify the consequences of an inadequate investigation.

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# Foundational Investigative Skills Module 1, Lesson 1

**Are You a Good Observer?**  
Test your observation skills using the images below, then select the **Forward** button to continue.

Do you see an old woman or a young lady?

Can you detect what is wrong with the elephant?

Do you know which way the stairs are going?

## Are You a Good Observer?

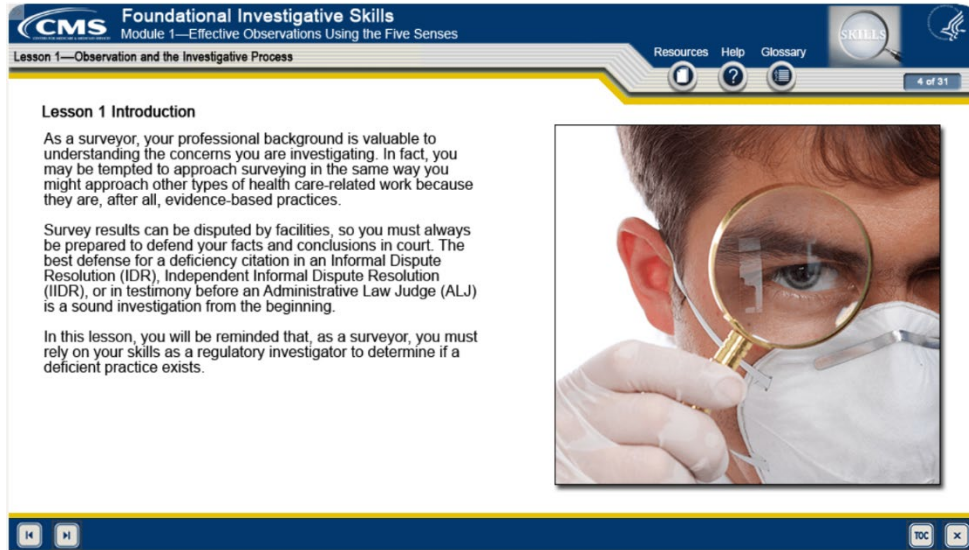
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# Foundational Investigative Skills Module 1, Lesson 1



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**Lesson 1 Introduction**

As a surveyor, your professional background is valuable to understanding the concerns you are investigating. In fact, you may be tempted to approach surveying in the same way you might approach other types of health care-related work because they are, after all, evidence-based practices.

Survey results can be disputed by facilities, so you must always be prepared to defend your facts and conclusions in court. The best defense for a deficiency citation in an Informal Dispute Resolution (IDR), Independent Informal Dispute Resolution (IIDR), or in testimony before an Administrative Law Judge (ALJ) is a sound investigation from the beginning.

In this lesson, you will be reminded that, as a surveyor, you must rely on your skills as a regulatory investigator to determine if a deficient practice exists.

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## Components of an Effective Investigation

In previous training, you learned that every survey begins with an investigative plan. Once you have established a sound plan, there are four steps to conducting a thorough investigation.

Select each arrow below to review the four steps in an effective investigation.

### Pop-ups

Step 1 – Gather evidence.

Step 2 – Decide what is true or factual based on the evidence.

Step 3 – Draw conclusions from facts found to be true.

Step 4 – State the conclusions reached and the facts and evidence on which they are based.



# Foundational Investigative Skills Module 1, Lesson 1

**CMS Foundational Investigative Skills**  
Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process

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**Step 1: Gather Evidence**

With your investigative plan complete, the first step in an effective investigation is to gather evidence. Recall that there are three different types of evidence gathered by surveyors. Select each image below to learn more about the different types of evidence.

**Observations**

**Interviews**

**Documents (Record Review)**

## Step 1: Gather Evidence

With your investigative plan complete, the first step in an effective investigation is to gather evidence. Recall that there are three different types of evidence gathered by surveyors. Select each image below to learn more about the different types of evidence.

### Observations

(pop-up) An observation is something you saw, heard, smelled, tasted, or felt. Observation allows you to gather evidence that may not be found elsewhere. Often, an observation may alert you to other issues or concerns at the facility.

### Interviews

(pop-up) AN interview consists of questions asked and answers given by the facility staff, residents, family members, nurses, physicians, pharmacists, consultants, social workers, administrators, therapy staff, and anyone who may have knowledge of the subject of concern. Interviews are conducted to collect information, verify or validate other evidence uncovered in a survey, and to provide an opportunity for all interested parties to contribute what he believe is pertinent to the investigation.

### Documents (Record Review)

(pop-up) Documents are records kept by facilities that provide information of an official nature. These documents may include facility policies as well as resident medical records, physician orders, care plans, patient assessments, discharge summaries, and other evaluative instruments such as emergency room reports, death certificates, and police reports. Documents can exist in paper or electronic format.

# Foundational Investigative Skills Module 1, Lesson 1

**CMS Foundational Investigative Skills**  
Module 1—Effective Observations Using the Five Senses

Lesson 1—Observation and the Investigative Process

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### The Most Important Form of Evidence

Although all types of evidence are valuable in an investigation, detailed, well-documented observations are the most important. Consider the following:

- A resident's care plan identified a need for a left leg brace at all times when the resident was out of bed. What did you observe?
- Your investigation leads you to the occupational therapy room. How many people are in the room? Who are they? What else do you see in the immediate area?

These types of questions are an important part of any investigation. To find the answers, you will need to rely on your skills in observation.

Select **Play** to watch a video about the importance of observation in a survey.

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# Foundational Investigative Skills Module 1, Lesson 1

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**Observations Are Key**

Observations are key to the investigation process. Unlike interviews and documents that are subject to someone else's recollection and interpretation, observations provide first-hand information and are rarely disputed in court. Even in cases where your observation may differ from observations made by facility staff, you will almost always be considered an impartial witness and thus entitled to greater credibility.

Observations can also reveal problems facilities may not be aware exist or are otherwise unable to document or discuss. In such cases, what you observe may be the only clue to a potentially serious regulatory violation.

Observation naturally leads to interviews and record reviews that can help substantiate deficient practices.

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# Foundational Investigative Skills Module 1, Lesson 1

**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process

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**Knowledge Check**  
What types of evidence rely on a surveyor's use of sight, sound, smell, touch, and taste?

a. Interviews  
 b. Observations  
 c. Documents  
 d. Clinical records

Submit

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

Navigation icons: Home, Back, Forward, TOC, Close

## Knowledge Check

What types of evidence rely on a surveyor's use of sight, sound, smell, touch, and taste?

- a. Interviews
- b. Observations
- c. Documents
- d. Clinical records

## Submit

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

**Correct Answer: B**

## Feedback when correct:

Correct. An observation is something you saw, heard, smelled, tasted, or felt.

## Feedback when incorrect:

Incorrect. Interviews, documents, and clinical records involve some, but not all of the five senses. The correct answer is observations.

# Foundational Investigative Skills Module 1, Lesson 1

**CMS Foundational Investigative Skills**  
Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process

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**Knowledge Check**  
Why are observations the most powerful form of evidence? Select all that apply.

a. Observations can alert you to deficiencies facilities may not be aware exist.

b. Observations provide first-hand, unfiltered evidence which is difficult to refute.

c. Observations provide second-hand information which can be refuted in court.

d. Observations can lead to interviews and record reviews which help substantiate deficient practices.

Submit

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

## Knowledge Check

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- d. Observations can lead to interviews and record reviews which help substantiate deficient practices

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

**Correct Answer: A, B, D**

### Feedback when correct:

Correct. Observation allows you to see plain facts that may not be evident elsewhere and can provide first-hand, unfiltered evidence that is difficult to refute. Observations can also lead you to interviews and record reviews that may identify or substantiate deficient practices. Observations should be the prime resource in your investigation.

### Feedback when incorrect:

Incorrect. The correct answers are: Observation allows you to see plain facts that may not be evident elsewhere and can provide first-hand, unfiltered evidence that is difficult to refute. Observations can also lead you to interviews and record reviews that may identify or substantiate deficient practices. Observations should be the prime resource in your investigation.

# Foundational Investigative Skills Module 1, Lesson 1

**Knowledge Check**

True or False? In cases where a surveyor's observation is contradicted by a facility staff eyewitness, the facility staff will always be entitled to greater credibility because they are more familiar with the policies and procedures of the facility's administration.

a. True

b. False

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

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- a. True
- b. False

## Submit

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

**Correct Answer: B**

## Feedback when correct:

Correct. A surveyor will almost always be considered an impartial witness and thus entitled to greater credibility.

## Feedback when incorrect:

Incorrect. A surveyor will almost always be considered an impartial witness and thus entitled to greater credibility. The correct answer is False.

# Foundational Investigative Skills Module 1, Lesson 1

**CMS** Foundational Investigative Skills  
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Lesson 1—Observation and the Investigative Process

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### Step 2: Determine Facts

Evidence is accumulated through observation. It is what permits us to determine the existence of a fact.

This can be confusing because evidence can be factual. It is a fact that a document says what it says. It is a fact that a surveyor observed what the surveyor said she observed. But the observation, or the document, or the interview is not the fact we are interested in. What we are interested in is the fact that the observation, interview, or record tends to prove.

A fact is a determination based on evidence that an event occurred or failed to occur, or that a condition does exist or did exist and that alone, or in company with other facts, helps to prove or disprove a violation of a regulatory requirement.

A fact is not a supposition or assumption.



H H

TOC X

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# Foundational Investigative Skills Module 1, Lesson 1

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Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process


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### Step 3: Draw Conclusions

Facts lead us to draw conclusions or findings.

A conclusion is an assumption developed as the next logical step in a line of thinking. Based on the given information, it makes sense to think that this is what happened or will happen next. On a survey, findings are conclusions about whether a requirement has been violated. In order to make such determinations, you must have sufficient evidence.

Remember that your investigation will not always move in a linear fashion as this approach suggests, however, you can adopt these principles throughout the process to ensure that sufficient evidence is gathered to determine the facts and draw your conclusions.



Navigation icons: back, forward, home, search, toc, close

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# Foundational Investigative Skills Module 1, Lesson 1

**Example: Making a Reasonable Determination**

The following evidence was extracted from a completed Surveyor Notes Worksheet (Form CMS-807) where the facility was under investigation for possible violation of **42 CFR 483.25(c)**. During the survey, several pieces of evidence were recorded in relation to a specific resident.

Review the documentation below carefully and then select the arrows to reveal whether this is enough documentation to determine whether a deficiency is present.

**Tag/Concerns:** F314 – Pressure Sores

**Documentation:**

- 6/15/10, 2:00 PM – Observed a 1.5 x 1 centimeter (cm) wound on the Resident #4's right heel.
- 6/16/10, 11:30 AM – Nurse #1 said that she treated a 1.5 x 1 cm stage 2 pressure ulcer on Resident #4's right heel.
- 6/18/10. Nurse's Notes stated that Resident #4 had a stage 2 pressure ulcer on the right heel, approx. 1.5 x 1 cm.

Fact

Enough Information?

## Example: Making a Reasonable Determination

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- 6/18/10. Nurse's Notes stated that Resident #4 had a stage 2 pressure ulcer on the right heel, approx. 1.5 x 1 cm.

### Pop-Ups:

#### **42 CFR 483.25(c):**

“(c) Pressure sores. Based on the comprehensive assessment of a resident, the facility must ensure that—

- (1) A resident who enters the facility without pressure sores does not develop pressure sores unless the individual’s clinical condition demonstrates that they were unavoidable; and

## Foundational Investigative Skills Module 1, Lesson 1

(2) A resident having pressure sores receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.”

### **Fact**

The resident had a 1.5 x 1 cm stage 2 pressure ulcer on the right heel.

### **Enough Information?**

No. Based on the information presented here, we do not know when or how the resident acquired the wound. Was it a facility-acquired wound? Was it an avoidable wound? In this case, more evidence is needed to determine if there has been a regulatory violation.

## Foundational Investigative Skills Module 1, Lesson 1

The screenshot shows a web-based interface for a knowledge check. At the top, there is a blue header with the CMS logo and the text 'Foundational Investigative Skills Module 1—Effective Observations Using the Five Senses'. Below the header, the lesson title 'Lesson 1—Observation and the Investigative Process' is displayed. On the right side of the header, there are links for 'Resources', 'Help', and 'Glossary', along with a 'SKILLS' icon and a '18 of 21' indicator. The main content area is titled 'Knowledge Check' and contains the question: 'Which statement best represents the definition of evidence?'. There are four radio button options: a. A determination based on information gathered during the survey. b. A finding that can be drawn from facts c. An observation, document, or interview that permits us to determine facts d. An assumption developed as the next logical step in a line of thinking. Below the options is a 'Submit' button. At the bottom of the main content area, there is a paragraph: 'Choose your answer, then select the **Submit** button. When you are finished, select the **Forward** button to continue.' The interface also includes navigation buttons at the bottom, such as 'H', 'H', 'TOC', and 'X'.

### Knowledge Check

Which statement best represents the definition of evidence?

- a. A determination based on information gathered during the survey.
- b. A finding that can be drawn from facts
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- d. An assumption developed as the next logical step in a line of thinking

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

**Correct answer: C**

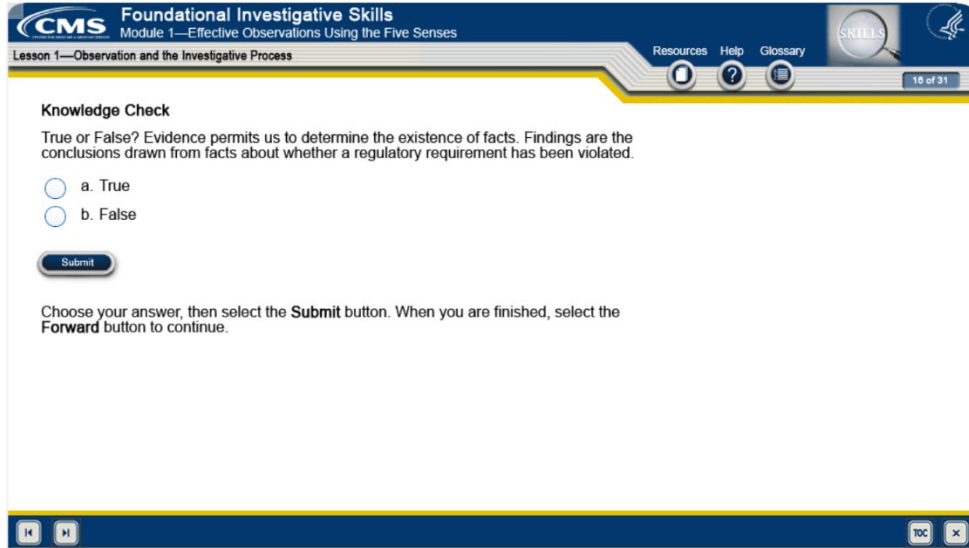
#### Feedback when correct:

Correct. An observation, document, or interview that permits us to determine facts.

#### Feedback when incorrect:

Incorrect. Determination, findings, and assumptions are evaluation of facts. The correct answer is evidence is an observation, document, or interview that permits us to determine facts.

# Foundational Investigative Skills Module 1, Lesson 1



## Knowledge Check

True or False? Evidence permits us to determine the existence of facts. Findings are the conclusions drawn from facts about whether a regulatory requirement has been violated.

a. True

b. False

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

**Correct answer: A**

### Feedback when correct:

Correct. Evidence leads us to facts, which enable us to draw conclusions, or findings, about deficient practices.

### Feedback when incorrect:

Incorrect. Evidence leads us to facts, which enable us to draw conclusions, or findings, about deficient practices.

# Foundational Investigative Skills Module 1, Lesson 1

**Step 4: State Your Conclusions in Writing**

The final step in an effective investigation is to state your conclusions. Your investigation is not complete until you have recorded your findings and their factual and evidentiary bases.

Recall that Principle #3 of the Principles of Documentation (POD), as outlined in [Exhibit 7A](#) of the State Operations Manual (SOM), provides guidance on how to record observation-based findings on a deficiency statement. (Additional findings not highlighted here would come from interviews you conduct to validate and support your observations.)

Select the yellow highlighted area on Exhibit 3-3 at the right for an example of how to effectively document observation-based findings on Form CMS-2567.

Tag	Summary Statement of Deficiencies
K-021	<p>NFPA 101 STANDARD: LIFE SAFETY CODE STANDARD</p> <p>Doors in fire separation walls, hazardous area enclosures, horizontal exits, or smoke partitions may be held open only by devices arranged to automatically close all such doors by some or throughout the facility upon activation of:</p> <ul style="list-style-type: none"><li>(a) The required manual alarm system and</li><li>(b) Local smoke detectors designed to detect smoke passing through the opening or a required smoke detection system and</li><li>(c) The automatic sprinkler system, if installed.</li></ul> <p>15-2.11.5</p> <p>Based on observations, the facility used a door wedge (an unapproved Device) to hold open 1 of the 9 entry doors included in the facility's fire safety system.</p> <p>Findings include</p> <p>On facility tour between 2:30 and 3:30PM on xx/xx/xx, a door wedge was observed at the face of the West entry door holding the door open. The Door was being held in an open position and could not automatically close in case of fire.</p>

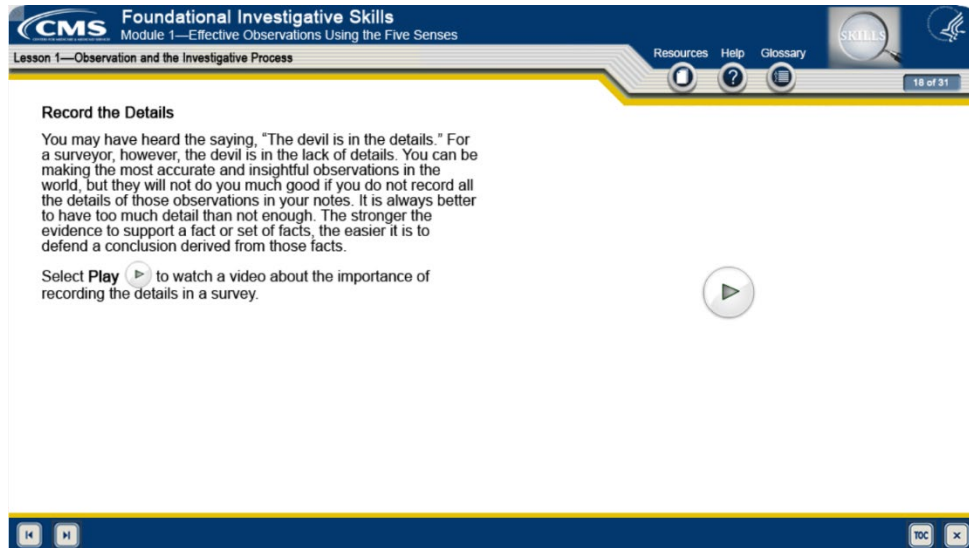
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# Foundational Investigative Skills Module 1, Lesson 1



**Record the Details**

You may have heard the saying, "The devil is in the details." For a surveyor, however, the devil is in the lack of details. You can be making the most accurate and insightful observations in the world, but they will not do you much good if you do not record all the details of those observations in your notes. It is always better to have too much detail than not enough. The stronger the evidence to support a fact or set of facts, the easier it is to defend a conclusion derived from those facts.

Select **Play**  to watch a video about the importance of recording the details in a survey.



## Record the Details

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# Foundational Investigative Skills Module 1, Lesson 1

**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses

Lesson 1—Observation and the Investigative Process

Resources Help Glossary


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### Be Specific

In the video you just watched, the surveyor was asked to defend his conclusion about the quality of care given by the facility staff. Without detailed observations in his notes, there was not enough evidence to support the fact that the residents were “unkempt.” This type of omission created an opportunity for the facility attorney to challenge his findings. If the surveyor could not prove that the residents were unkempt based on the observations he recorded during the survey, how could he conclude that they were receiving poor care?

Was the surveyor wrong in his conclusion about the quality of care given at this facility?

Probably not. However, if he had been able to defend his conclusion with specific, detailed observations that provided a clear picture of his concern at the time of the survey, the deficiency would have been much more difficult to challenge in court.



Navigation icons: Home, Help, Search, TOC, X

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Was the surveyor wrong in his conclusion about the quality of care given at this facility?

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# Foundational Investigative Skills Module 1, Lesson 1

**Knowledge Check**

"Resident #2's hair was uncombed and tangled, with flakes of dandruff throughout. Her fingernails and hands were soiled with a dark brown matter and there were three large stains on the front of her blouse. The bottoms of her socks appeared damp and she had a distinct smell of urine about her."

What fact can be determined from this observation?

- a. The facility has violated a regulation.
- b. Resident #2 was unkempt.
- c. Residents at this facility are receiving poor care.
- d. Resident #2 is unable to bathe on her own.

**Submit**

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

## Knowledge Check

"Resident #2's hair was uncombed and tangled, with flakes of dandruff throughout. Her fingernails and hands were soiled with a dark brown matter and there were three large stains on the front of her blouse. The bottoms of her socks appeared damp and she had a distinct smell of urine about her."

What fact can be determined from this observation?

- a. The facility has violated a regulation.
- b. Resident #2 was unkempt.
- c. Residents at this facility are receiving poor care.
- d. Resident #2 is unable to bathe on her own.

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

**Correct answer: B**

### Feedback when correct:

Incorrect. The observation clearly supports the fact that the resident was unkempt. Without additional evidence, however, we are unable to make a determination about the resident's ability to bathe herself, the quality of care given by the staff, or possible regulatory violations at this facility.

### Feedback when incorrect:

Incorrect. The observation clearly supports the fact that the resident was unkempt. Without additional evidence, however, we are unable to make a determination about the resident's ability to bathe herself, the quality of care given by the staff, or possible regulatory violations at this facility. The correct answer is Resident #2 was unkempt.





# Foundational Investigative Skills Module 1, Lesson 1

**CMS Foundational Investigative Skills**  
Module 1—Effective Observations Using the Five Senses

Lesson 1—Observation and the Investigative Process

Resources Help Glossary

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**Knowledge Check**

True or False? In order to perform an effective investigation, surveyors must gather evidence through observations, interviews, and record reviews, determine the facts from the evidence gathered, draw conclusions about regulatory requirements based on the facts, and then state those conclusions in writing on the Form CMS-2567.

a. True

b. False

**Submit**

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

## Knowledge Check

True or False? In order to perform an effective investigation, surveyors must gather evidence through observations, interviews, and record reviews, determine the facts from the evidence gathered, draw conclusions about regulatory requirements based on the facts, and then state those conclusions in writing on the Form CMS-2567.

- a. True
- b. False

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

**Correct answer: A**

### Feedback when correct:

Correct. When performing an effective investigation, you should gather evidence, determine the facts, draw your conclusions based on those facts, and then state your conclusions in writing.

### Feedback when incorrect:

Incorrect. When performing an effective investigation, you should gather evidence, determine the facts, draw your conclusions based on those facts, and then state your conclusions in writing. The correct answer is True.

# Foundational Investigative Skills Module 1, Lesson 1

The screenshot shows a web application interface with a blue header. The header contains the CMS logo, the title 'Foundational Investigative Skills', the subtitle 'Module 1—Effective Observations Using the Five Senses', and navigation links for 'Resources', 'Help', and 'Glossary'. Below the header, the page title is 'Lesson 1—Observation and the Investigative Process'. The main content area is titled 'Key Points for the Investigative Process' and contains a paragraph of text. To the right of the text is a graphic of a blue clipboard with a white sheet of paper titled 'Key Points' containing a bulleted list. The bottom of the interface has a blue bar with navigation icons and a '22 of 21' indicator.

**Key Points for the Investigative Process**

Surveyors must use sound investigative skills to determine whether a deficient practice exists. An effective investigation begins with gathering specific details through observations, interviews, and record reviews and determining the facts based on that evidence. Once the facts have been determined, you can draw your conclusions and record your findings with their factual and evidentiary bases.

- Gather evidence
- Determine the facts
- Draw your conclusions from the facts
- State your conclusions in writing

## Key Points for the Investigative Process

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# Foundational Investigative Skills Module 1, Lesson 1

**Foundational Investigative Skills**  
Module 1—Effective Observations Using the Five Senses

Lesson 1—Observation and the Investigative Process

Resources Help Glossary

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### The Use of Survey Protocols

Recall that [Appendix P](#) of the SOM dictates survey protocol for Long Term Care (LTC) facilities. Specifically, Task 5—Information Gathering identifies common areas of concern that must be thoroughly examined and offers general guidelines on how to conduct your investigation.

Additionally, [Appendix PP](#) of the SOM provides interpretive guidelines that can help LTC surveyors determine if there is a violation of the Federal regulations.

While these protocols provide a sound foundation from which to build an effective survey, data suggests that routine performance of survey tasks alone cannot possibly result in an adequate investigation of serious concerns. In order to cite deficiencies, surveyors not only have to identify concerns, but must also thoroughly investigate them

**State Operations Manual**  
Appendix P - Survey Protocol, for Long Term Care Facilities - Part I  
Table of Contents  
(Rev. 06, 01-01-10)  
[Transmittals for Appendix P](#)

I. Introduction  
II. The Survey Process  
II.A. The Quality Indicators Survey (QIS)  
1. The QIS Standard Survey  
2. The QIS Extended Survey  
3. The QIS Post-Survey Review  
4. The QIS Complaint Survey  
II.B. The Traditional Survey  
1. Traditional Standard Survey  
Task 1 - Office Survey Preparation  
Task 2 - Entrance Conference/Onsite Prep  
Task 3 - Initial Tour  
Task 4 - Sample Selection  
Task 5 - Information Gathering

**State Operations Manual**  
Appendix PP - Guidance to Surveyors for Long Term Care Facilities  
Table of Contents  
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(483.5) Definitions  
(483.10) Resident Rights  
(483.10a) Exercise of Rights  
(483.10b) Notice of Rights and Services  
(483.10c) Protection of Resident Funds  
(483.10d) Free Choice  
(483.10e) Privacy and Confidentiality  
(483.10f) Grievances  
(483.10g) Examination of Survey Results  
(483.10h) Waiver

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# Foundational Investigative Skills Module 1, Lesson 1

**Consequences of a Poor Investigation**

Identifying concerns is only part of the process. In order to cite deficiencies, concerns must be thoroughly investigated. Conducting a thorough investigation requires a considerable amount of critical thinking. You should always be searching for answers to questions that can help you accurately evaluate facility practices: What should have been done? Was it done correctly? What did staff say when queried? You must resist the temptation to take shortcuts or try to reduce the process to a set of checklists.

If you fail to adequately investigate conditions in a long term care facility, you could miss a dangerous situation that might be present or write a flawed Statement of Deficiencies (Form CMS-2567) that cannot hold up in court. If this happens, the residents of the facility will have to face the consequences of undetected or poorly investigated violations.

Select each box to review the consequences of a poor investigation.

**Consequence 1**      **Consequence 2**      **Consequence 3**

The surveyor may fail to detect deficient practices.

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### Pop-Ups:

Consequence 1

The surveyor may fail to detect deficient practices.

Consequence 2

The surveyor may write a flawed deficiency that cannot hold up in court.

Consequence 3


Residents must live with the risks and dangers of deficient practices.

# Foundational Investigative Skills Module 1, Lesson 1

**When the System Breaks**

In 2011, an investigative reporter in Missouri revealed some startling news about the treatment of residents in local long term care facilities and the state's inability to prove their findings.

**NEWS** Select the newspaper icon at left to read an excerpt from the article.



## When the System Breaks

In 2011, an investigative reporter in Missouri revealed some startling news about the treatment of residents in local long term care facilities and the state's inability to prove their findings.

**NEWS** Select the newspaper icon at left to read an excerpt from the article.

(pop-up) “In the past six years, according to records reviewed by the Tribune, state regulators have substantiated 273 cases of abuse and exploitation at nursing homes, assisted-living facilities, and im-home care agencies.”

“In 381 other cases of suspected abuse and exploitation—including 96 reports of sexual abuse—the state was unable to prove that misconduct took place, even though regulators found some evidence of wrongdoing in almost two-thirds of those investigations...”

# Foundational Investigative Skills Module 1, Lesson 1

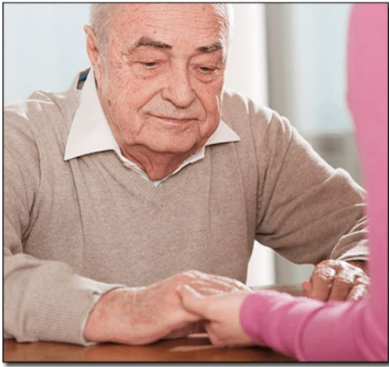
**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process

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### Surveyors Must Thoroughly Investigate Concerns

According to the article, many cases of nursing home abuse never get prosecuted because the nature of the allegations can be difficult to prove in court. While this may be true, it does not relieve surveyors of their obligation to perform a thorough investigation of regulatory concerns.

- Did you interview everyone who could have any information to guide you in the investigation?
- If staff is suspected, what other residents were cared for by that staff member?
- Did you investigate care for them as well?
- What can you determine from their investigation?



Navigation icons: back, forward, TOC, close

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# Foundational Investigative Skills Module 1, Lesson 1


**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses  
Lesson 1—Observation and the Investigative Process

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### With Thoughtfulness and Care

In the demanding environment of on-site health care facility surveys, there is always a temptation to try and simplify tasks so that the work is not quite so hard to do. But the fact is that surveying is an important and difficult job that constantly demands your very best. Survey work must always be undertaken with thoughtfulness and care.

Surveyors are responsible not only for uncovering concerns, but also for conducting effective investigations and writing citations that can stand up in court. In doing so, they ensure that the persons receiving care have an avenue of appeal for their complaints and are protected from the risks and dangers of undetected or poorly investigated deficiencies.



Navigation: Home, Next, TOC, X

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## Foundational Investigative Skills Module 1, Lesson 1

The screenshot shows a web-based interface for a knowledge check. At the top, there is a blue header with the CMS logo and the text 'Foundational Investigative Skills Module 1—Effective Observations Using the Five Senses'. Below the header, the lesson title 'Lesson 1—Observation and the Investigative Process' is displayed. The main content area is titled 'Knowledge Check' and contains the question: 'Which of the following might be a consequence of a poor investigation? Select all that apply.' There are four multiple-choice options, each with a checkbox: a. The surveyor may identify a concern as a deficient practice, but fail to write a citation that holds up in court. b. The facility may win a challenge against the citation and be relieved of their responsibility to fix deficient practices. c. The State Survey Agency (SA) may be held liable for injuries to a patient. d. The surveyor may not detect that a regulatory violation occurred, leaving residents to live with the risks and dangers of a deficient practice. Below the options is a 'Submit' button. At the bottom of the interface, there is a navigation bar with 'H' and 'H' buttons on the left, and 'TOC' and 'X' buttons on the right. The page number '28 of 31' is visible in the top right corner.

### Knowledge Check

Which of the following might be a consequence of a poor investigation? Select all that apply.

- a. The surveyor may identify a concern as a deficient practice, but fail to write a citation that holds up in court.
- b. The facility may win a challenge against the citation and be relieved of their responsibility to fix deficient practices.
- c. The State Survey Agency (SA) may be held liable for injuries to a patient
- d. The surveyor may not detect that a regulatory violation occurred, leaving residents to live with the risks and dangers of a deficient practice.

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

**Correct answer: A, B, D**

#### Feedback when correct:

Correct. The surveyor may identify a concern as a deficient practice, but fail to write a citation that holds up in court; the facility may win a challenge against the citation and be relieved of their responsibility to fix deficient practices; and the surveyor may not detect that a regulatory violation occurred, leaving residents to live with the risks and dangers of a deficient practice.

#### Feedback when incorrect:

Incorrect. The correct answers are the surveyor may identify a concern as a deficient practice, but fail to write a citation that holds up in court; the facility may win a challenge

## Foundational Investigative Skills Module 1, Lesson 1

against the citation and be relieved of their responsibility to fix deficient practices; and the surveyor may not detect that a regulatory violation occurred, leaving residents to live with the risks and dangers of a deficient practice.

# Foundational Investigative Skills Module 1, Lesson 1

**CMS** Foundational Investigative Skills  
Module 1—Effective Observations Using the Five Senses

Lesson 1—Observation and the Investigative Process


Resources Help Glossary

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### Lesson 1 Key Points

The key points to remember from this lesson include:

- As a surveyor, you must rely on your skills as a regulatory investigator to determine whether a deficient practice exists.
- The components of an effective investigation are:
  - Gather evidence. Remember that observations are the most important form of evidence.
  - Decide what is true or factual based on the evidence.
  - Draw conclusions from facts found to be true.
  - State the conclusions reached and the facts and evidence on which they are based.



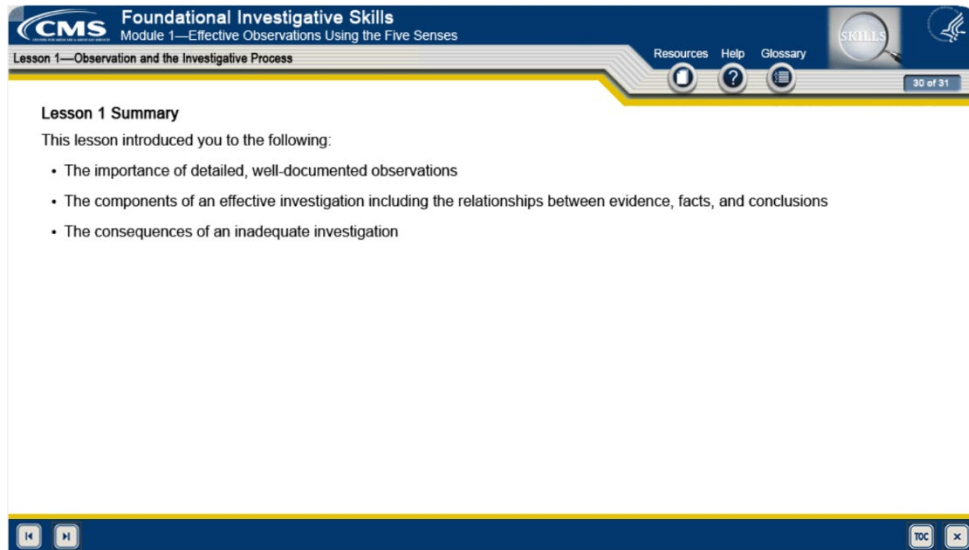
Navigation icons: Home, Next, Previous, TOC, Close

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  - State the conclusions reached and the facts and evidence on which they are based.

# Foundational Investigative Skills Module 1, Lesson 1



The screenshot shows a web-based interface for the 'Foundational Investigative Skills' module. The header includes the CMS logo, the title 'Foundational Investigative Skills', and the subtitle 'Module 1—Effective Observations Using the Five Senses'. Below the header, the current lesson is identified as 'Lesson 1—Observation and the Investigative Process'. Navigation links for 'Resources', 'Help', and 'Glossary' are visible. A 'SKILLS' icon and a '30 of 31' indicator are also present. The main content area is titled 'Lesson 1 Summary' and contains the following text and list:

**Lesson 1 Summary**  
This lesson introduced you to the following:

- The importance of detailed, well-documented observations
- The components of an effective investigation including the relationships between evidence, facts, and conclusions
- The consequences of an inadequate investigation

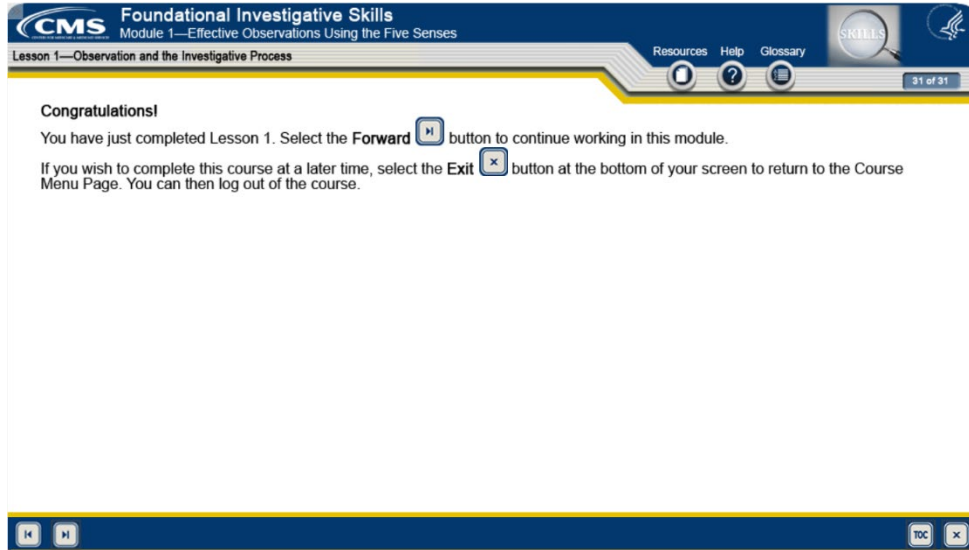
At the bottom of the page, there are navigation buttons for 'K', 'H', 'TOC', and 'X'.

## Lesson 1 Summary

This lesson introduced you to the following:

- The importance of detailed, well-documented observations
- The components of an effective investigation including the relationships between evidence, facts, and conclusions
- The consequences of an inadequate investigation.

# Foundational Investigative Skills Module 1, 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.