

## Report on Medicare Compliance Volume 28, Number 7. February 25, 2019 During Investigations, It Helps to 'Turn Down the Temperature,' Stick to a Plan

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By Nina Youngstrom

Compliance officers probably won't get to the bottom of a possible violation by pounding on the table or staring down employees during interviews in an investigation. They may clam up instead of revealing useful information, experts say. Interviews tend to yield better results when compliance officers keep an open mind and look for behavioral clues, but they should always be mapped out.

"Interviews are a controlled conversation," says Gerry Zack, CEO of the Health Care Compliance Association and a former compliance officer. "You have to have a plan for how you want the interview to go and be alert for side streets you want to go down. It's a myth these things are quick and anyone can do it."

In an investigation, compliance officers should expect to hear all sorts of things that may or may not be true or may lead to different violations. The information they start with is almost never complete or accurate, Zack says. That's why he recommends investigating processes, not people. "Start with the process allegedly circumvented and learn what the process is and what it should be. So start with people who can fill you in on how things should work versus how they really work, and then get closer to people who have seen who did it wrong." And save the suspected perpetrator for last. That dovetails with the cone approach, Zack says. "Interviews should begin more broadly and then narrow, both in terms of the information gathering and the people who may have specific knowledge regarding the acts in question."

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