
PROMISING PRACTICES IN STATE SURVEY AGENCIES

Training to Strengthen Surveyor Skills and Knowledge Related to Legal Aspects of the Survey Process Texas

Summary

The Regulatory Services section of the Texas Department of Aging and Disability Services (DADS) provides multiple training courses designed to increase surveyor skills and knowledge on the legal aspects of the survey process. Their goal is to improve surveyor performance and consistency with regard to investigational skills, decision-making, and accurate and supportable documentation across all regions of the state.

Introduction

This report describes the set of courses provided by the Texas state survey agency that focus on strengthening surveyor skills and knowledge related to legal aspects of the survey process. The impact of these training offerings and lessons learned that might benefit other agencies considering implementing similar training also are discussed. The information presented is based on interviews with agency management and training staff and review of course summary materials.

Background

The agency implemented several courses designed to build or refine surveyor skills and knowledge related to legal aspects of the survey process in 1999. The courses were developed to address the need identified by agency management staff to strengthen the consistency of training and performance in investigation, decision-making, and producing supportable documentation across surveyors in all regions of the expansive state.

Intervention

In addition to instruction interspersed throughout the agency's new surveyor orientation curriculum, the agency provides several courses focused exclusively on knowledge and skills related to the legal aspects of the survey process. New surveyors are required to complete the courses within the first 18 months of employment at the agency. In addition, selected courses are designed for and require attendance by experienced surveyors.

The eight currently offered courses that focus on legal aspects of the survey process include (1) Abuse and Neglect (based on the CMS course); (2) Advanced Principles of Documentation (for experienced surveyors); (3) Appendix Q and You (which delineates the process of determining immediate jeopardy situations for all program areas); (4) Basic Investigation Techniques; (5) Nursing Facility (NF) Enforcement Overview for Surveyors; (5) Litigation, (6) Writing and Critiquing Deficiencies; and (7) Writing Effective Referrals. The courses range from one day to two and a half days in duration, with most classes involving a combination of lecture, discussion, and skills practice through exercises and case studies.

Curriculum development experts in the Regulatory Services' Policy Development and Support Division created the courses, many of which are designed for surveyors of all provider types. When relevant, the courses are tailored to specific provider types. For example, Writing and Critiquing Deficiencies is designed and conducted separately for surveyors in the intermediate care facility for mental retardation (ICF/MR), home health, and geriatric programs, and NF Enforcement Overview for Surveyors is required only for geriatric program surveyors.

The course on Litigation is taught by agency attorneys specializing in regulatory enforcement. The other six courses are conducted by a group of trainers in the DADS Educational Services Department who are dedicated to Regulatory Services. The courses are presented multiple times per year at each regional office to ensure

that all surveyors are able to complete them within 18 months of beginning employment at the agency.

Implementation

The Litigation class, which provides surveyors and program managers an overview of the legal process and practice in being an effective witness (e.g., preparing for hearings, providing testimony), was the first course developed in the area of legal aspects of the survey process. The course evolved from a presentation initially developed by agency attorneys for their regional office staff and subsequently presented at a statewide conference for all nursing facility surveyors. After the conference, agency management recommended establishing a required course on litigation to help promote consistency in the areas addressed in the presentation among surveyors throughout the state. Curriculum development and training staff collaborated with the involved attorneys to adapt their presentation material to the training course format. The six additional courses addressing skills and knowledge related to legal aspects of the survey process were developed by the curriculum development staff soon after the Litigation course was established.

Eight full-time staff in the Policy and Development Support Division are responsible for designing all training curriculum for surveyors and supporting IT and administrative staff. Eleven trainers and one manager in the Educational Services section of DADS are dedicated to conducting training sessions for new and experienced surveyors. Each of the agency's eleven regional offices has a local trainer who coordinates scheduling of courses and conducts the courses for the surveyors in the region.

Impact

To ensure the relevance and effectiveness of the courses, participating surveyors are asked to complete evaluation forms. The evaluations request feedback regarding the clarity and

relevance of the course content and materials, effectiveness of the instructor, and suggestions for improving the course. Agency management staff indicate that evaluation feedback from the past year has been extremely positive, with 95% of surveyors assessing all evaluated categories as "successful" or "excellent." In addition to surveyor feedback on specific courses, the utility of the courses as a whole is monitored by a committee composed of regional representatives, department managers, and policy personnel. The committee meets quarterly to review the offered courses, the curriculum, and aspects of the training program to ensure that ongoing and new training needs are being met.

Lessons Learned

Training staff emphasize the value of developing a high quality training program to establish and maintain effective performance by new and experienced surveyors. The agency was able to develop and provide the set of courses in the legal training track without budgetary impact beyond the resources utilized to maintain the established curriculum design and training staff. Agency staff believe that agencies without dedicated curriculum design experts could adapt the course content and materials used in Texas to create a similar series of courses without substantial time investment.

Contact Information and Resources

For more information about the training approaches to increase surveyor skills and knowledge on the legal aspects of the survey process at the Texas Department of Aging and Disability Services, please contact Chris Adams, Director of Survey Operations, at 512/438-5695 or chris.adams@dads.state.tx.us. Course descriptions and the course evaluation form used in Texas are available on this Website and can be accessed online by clicking on the Promising Practices State Supplemental Resources link.

This document is part of an issue brief on training programs used in state survey agencies to strengthen surveyor skills and knowledge related to legal aspects of the survey process. The issue brief is one of a series by the Division of Health Care Policy and Research, University of Colorado Health Sciences Center, for the U.S. Centers for Medicare & Medicaid Services (CMS) highlighting promising practices in state survey agencies. The entire series is available online at CMS' Website, <http://www.cms.hhs.gov/SurvCertPromPractProj>. The issue briefs are intended to share information about practices used in state survey agencies and are not an endorsement of any practice.