

Pills, Providers, and Problems: How to Investigate Drug Diversion in Long-Term Care

203 - Monday, April 16, 2018

Today's Presenters



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Quick Overview

Here's what we have on the agenda today...

1. Curbing the Opioid Addiction Crisis
2. What Controls Do You Have in Place?
3. How to Conduct an Investigation: Basics
4. How to Investigate a Drug Diversion Case
5. Key Takeaways



How many of you have investigated a drug diversion within the last 6 months?

Curbing the Opioid Addiction Crisis

Opioid Addiction: Nationwide Dilemma

- The OIG reported that **50,000 Americans died** from drug overdoses in 2015
 - Over 60 percent were opioid-related.
- Centers for Disease Control and Prevention (CDC) reports that roughly **three out of four** new heroin users abused prescription opioids before using heroin.

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Opioid Addiction: Nationwide Dilemma

14.4 million, or **one-third of Medicare Part D beneficiaries**, received an opioid prescription in 2016.

- Of that number, around 500,000 beneficiaries received "high amounts" of opioids and nearly 70,000 beneficiaries received "extreme amounts" of opioids.

OIG determined that **22,308 beneficiaries** appeared to be doctor shopping, a practice which it delineated as involving individual beneficiaries with four or more prescribers *and* pharmacies, each.

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OIG National Takedown: Pill Mills

OIG and Medicare Strike Force National Healthcare Fraud Takedown

- **412 defendants** within **41 federal districts**
- Defendants included **over 100 doctors, nurses, and other licensed medical professionals** prosecuted for their participation in healthcare fraud schemes
- Roughly **\$1.3 billion** in false billings



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Opioid Addiction Consideration

1. Post-acute populations are **changing**.
2. Staffing is always a **challenge**.
3. What do you know about **your residents**?
4. What do you know about **your staff**?

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What Controls Do You Have in Place?

Scheduled Drugs

What controls do you have in place to prevent drug diversion?

- Do you know if your **Directors of Nursing** are monitoring drug counts periodically?
- Do you have a consistent **drug destruction process**?
- How often do you talk with your residents regarding **pain management**?
- Does your **Consultant Pharmacist** meet your needs?
- Are there any type of **audits** that roll-up to compliance?

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We've Seen it All

- Stolen Fentanyl patches
- Blister packs opened and replaced with different meds
- Vials replaced with water
- Entire blister packs stolen
- Meds stolen prior to appropriate destruction
- Entire medical carts stolen

What is your most unique story?



Is your compliance department involved with investigating a drug diversion case within your organization?

How to Conduct an Investigation: Basics

Effective Investigations

Introduction to Interviewing

- An interview is a **question & answer session** designed to obtain information
- Should be **structured**, not free form
- Each interview should have a **specific purpose**

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Effective Investigations

Important Points to Remember

1. You need **full & complete cooperation** of each witness now, and perhaps in the future.
2. You need **all the information** each witness has.
3. Always remember your image – **professional, prepared, educated, and smart**.
4. If the witness thinks you can do something, or know something, **you do not have to prove it**.
5. Do **not acknowledge or deny** what someone may have reported or shared with you.

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Effective Investigations

Questions

- Have questions **prepared in advance**
- Think about **each word** in the question
- Poorly designed questions **may confuse the witness**
- **Review questions** with a colleague beforehand

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Effective Investigations

Create an Investigative Plan

1. Obtain any **relevant video, logs, documents, emails** and review.
2. Establish a **logical order** for interviews.
3. Make certain you **have all the facts available** before starting interviews.
4. Have a **document to record data**.

INVESTIGATIVE PLAN

1. Date of incident _____

2. How incident reported _____

3. Type of incident _____

4. Documents

Type	Available
_____	Yes
_____	No
_____	Yes
_____	No

5. Supervisor advised _____ Date _____

Name _____

6. Interviewees

Name	Date Interviewed
_____	_____
_____	_____
_____	_____
_____	_____

7. Investigation completed _____ Date _____

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Effective Investigations

The Interview is NOT About You

- Effective interviewers are seen, not heard
- Allow answers without interruption
- Interviewer should talk < **15% of the time**
- Documentation is essential

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Effective Investigations

Note-taking

- Provides structure to the interview
 - **Notes should be preserved**
- Will produce an accurate record of the interview
 - **be aware of company policy and state law**
- Slows the flow of the interview

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Effective Investigations

Signed Statement

- If an interviewee admits to a crime or violation of company policy, consider having the individual **write a statement** containing the admission
- It should be **signed and dated by the interviewee**
- You should also sign as the witness
- Assessing Scope
 - After each interview, **evaluate developing fact pattern**

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Effective Investigations

Scope of Investigation

- Who learned about **the incident**?
- When did it **occur**?
- **Who** had access and/or knowledge?
- **How many people** should be interviewed?
- Should **law enforcement** be informed?

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How to Investigate a Drug Diversion Case

Where to Begin

Gather Relevant Facts

- When was last **drug reconciliation** (inventory) done?
- Did it follow **company policy**?
- **Who accessed drugs** since last inventory?
- Gather a **list of all staff** on all shifts since last inventory
- Identify **who had access to drugs** in that period
- Do you have "cause" based on your drug testing policy to **require drug testing of employees** at this point?

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Interview Types

Residents + Patient Questions

- Have you interviewed **potentially impacted residents**?
- Have they received their **pain meds** as ordered?
- Have they **received PRN** pain meds as needed?
- Have their pain meds **been effective**?
- Can they remember a time when they **did not get their medications**?
- Have the **medications looked the same** (size, color, shape)?

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Review Medication Information

- Review the **MARs** (Medication Administration Records) for all potentially impacted residents
- Do you see a **pattern of high PRN utilization**?
- Do you see any type of medication that has been **pulled from lock box frequently**?
- Meet with **Consultant Pharmacists**
- Review your **destruction practices**
- Review your **shift change practices**

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Involving Law Enforcement

- Volume and type of **missing drugs**
- **Pattern of missing narcotics** without clear "bad actor(s)"
- Confirmation of **person(s) responsible for theft**
- **Concern for safety** of residents, visitors and/or staff
- **Stalled investigation**/investigation support

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Key Takeaways

<h3>Things to Remember</h3> <ul style="list-style-type: none">✓ Never underestimate a desperate employee✓ Failing to follow medication handling policies will lead to "word on the street"✓ Ad hoc monitoring by Director of Nursing or other nurse managers matters✓ Consistent drug testing and disciplinary action is key✓ Interview your residents - they know more than you realize <p style="text-align: right;"><small>29</small></p>
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Questions?

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