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.
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.

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
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?

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?

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

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.
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

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.
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

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
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.

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?
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?
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)?

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
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

Key Takeaways
Things to Remember

- 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

Questions?
Contact Us

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