Disclaimer

This presentation is for general education purposes only. The information contained in these materials is not intended to be, and is not legal or business advice. The laws regarding hiring and firing of employees are as published by the Department of Labor in the state in which you practice business. As a healthcare manager, you have a responsibility to seek private counsel with your attorney to determine how these laws apply to your specific circumstances before applying the concepts addressed in this presentation.
Today’s Objectives

• Evaluation of ineffective employees
• Improvement discussions
• Progressive documentation
• Termination

What is expected?

• Job description
  • Duties and tasks
  • The day to day work roles and assignments
• Overall responsibilities
  • Broader scope: regardless of the work involved
  • Standards/guidelines/expectations
  • Must be measurable
What else is expected?

• Experience
  • Time vs. talent
• Education
  • Degree, certification, coursework
• Skills
  • Software, communication

And then there’s….

• Organizational/Regulatory policies
  • Payroll
  • Behavioral expectations
• Internal Procedures
Evaluate, Evaluate, Evaluate!

- At 90 days
- At 6 Months
- When duties change
- When staff leave
- Annually
  - Review job description
  - Internal Audits
  - Feedback from staff members
  - Feedback from patients

Uh, oh…we’ve got a problem…

- Behavior issue
- Attitude
- Errors
- Can’t get along
- Absenteeism
- Bad decision—just can’t do the work
Let’s consider:

• Did the employee understand the job description?
• Do they understand organizational policies?
• Is this what they were hired to do?
• Were they hired with all of the right qualifications?
• Has the job changed?
• Were they sufficiently trained?
• What about the other staff?
• Is this personal?

IDENTIFYING THE PROBLEM: Accuracy, Productivity, Skill

• External or Internal Audits
  • Be sure to be consistent
  • Provide supporting regulatory guidance for all discrepancies and errors
  • Keep audit results confidential
  • Allow time for a ‘rebuttal’
  • Determine an action plan
IDENTIFYING THE PROBLEM: Coworker Complaints

- Peer review
  - Be non-judgmental
  - What’s a good approach?
  - Be sure there’s a policy
  - Meet with the employee
  - Allow them time for explanation
  - Devise an action plan

IDENTIFYING THE PROBLEM: Mistakes, Blunders and Crises

- Remember—everyone makes mistakes
- Determine frequency, egregiousness, preventability
- Get the facts (reports, etc.)
- Allow time for defense
- Devise an action plan
Creating a culture of fairness

• Assume positive intent
• Is the ability there?
• Fix the problem, not necessarily the person
• Identify prejudices
• Seek alternatives that make sense
• Follow a systematic approach to progressive documentation.

A “Just” Culture

• A non-punitive response to mistakes
• Allows employees to feel safe and appreciated
• Represents a consistent approach to event management
• Allows employees to learn from their mistakes
Human Behavior

• Human Error: a mistake... inadvertent behavior, an oversight or blunder

• At-Risk Behavior: a behavioral choice that is mistakenly believed to be acceptable.

• Reckless Behavior: A knowingly improper behavioral choice that disregards policy or safety.

Human Error

• A mistake was made
  • Posted charge to wrong patient
  • Transposed codes
  • Faxed PHI to wrong number

Console and re-train employee
At Risk Behavior

• Made a choice that they thought was acceptable
  • Sent an insecure email
  • Failing to meet productivity standards
  • Not following coding guidelines (unbundling, etc.)

Coach employee, devise a strategy

Reckless Behavior

• A knowingly improper behavior choice that disregards policy or safety
  • Changing codes for coverage reasons alone
  • Altered time sheet
  • Sharing PHI without consent

Discipline or terminate employee.
ASK?

- Did you mean to cause harm?
- Did you know that you caused harm?
- Was the choice you made the lesser of two evils?
- Did you know there was a rule?
- Were you able to follow the rules?
- Did you know you had this responsibility?
- Did the benefit of the choice you made exceed the risk?
- Did you believe that your choice was justified?
- Was this behavior your choice?

Progressive Documentation

- Coaching
- Level I
- Level II
- Level III and termination
Coaching

- Ask employee to meet.
- Choose a neutral area, if possible
- Keep it confidential
- Assure employee that their success is important

- Provide a statement of the concern
- Provide examples of issues
- Ask for feedback
- Ask for their understanding
- Devise a solution
- Arrange to follow up
- Document immediately

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**Bayside Hospital & Healthcare System**

January 24, 2015

RE: Tim Smith, Coaching Session

Bayside Hospital and Healthcare’s Mission, Vision and Values are very important and in order to achieve these we expect that our employees follow the policies and procedures set forth to provide high quality, safe patient care.

I met today with Tim Smith regarding his productivity. We discussed several concepts:
STATE YOUR RESPONSIBILITY AS A MANAGER:
As the coding manager, my goal is to assist with Tim’s success.

STATE THE PROBLEM:
Tim’s productivity is at 53% of that which is expected per his job description

WHAT IS TIM’S STORY?
Tim identifies that his productivity is low and we reviewed his productivity sheets.
Tim believes that software issues are contributing to his low productivity
Tim also believes that he requires more training

PROVIDE FEEDBACK:
I explained that when Tim failed to meet productivity standards it was a failure to meet job requirements, it had an impact on Revenue, and it contributed to poor morale in the department.

AGAIN…MANAGER RESPONSIBILITY:
I reiterated that we would provide Tim with the tools to perform his job more effectively.
DOCUMENT THE ACTION PLAN:
I will notify IT regarding software issues, Tim will participate.
I will provide Tim with additional training to include: AAPC webinar, Ingenix Coding Companion, mentoring with experienced coder.

CLARIFY EXPECTATIONS FOR IMPROVEMENT:
This will be provided within the next 2 weeks. During that time, Tim will evaluate his workspace and work habits to determine whether or not he can eliminate any non-essential duties.
Tim’s productivity will be re-evaluated in 2 months. At that time, productivity standards should reach 75%. We will meet to address further improvement in another 2 months, with productivity standards reaching 95%. There must be sustained improvement in this area.
DOES TIM UNDERSTAND: REVIEW STEPS OF PROGRESSIVE DOCUMENTATION:

Tim verbalized understanding of this plan. He agrees that it will help him become successful and realizes that failure to succeed will result in progressive documentation, up to and including termination,

GET SIGNATURE AND DATE:

_Pam Brooks, MHA, CPC, COC_ 1/25/16  _Coding Manager_
_Tim Smith, CPC_ 1/25/16  _Coding Specialist_

Copy:  Tim Smith, HR

Always, with progressive documentation......
Get a signature (or document refusal to sign)
CC employee and HR
Follow up from Coaching

• Were the SPECIFIC issues re-addressed?
• Are you seeing improvement?
• Make sure you’ve given sufficient time
• Is something/someone else the problem?
• Have the expectations been met within the time frame?

Level I Documentation

• Reiterate: “I want you to be successful”.
• Restate problem
• Review of action plan: why didn’t it work?
• Give feedback
• Determine the new plan
• Establish time frame
• Review steps for progressive documentation
• Get signature
March 25, 2015
RE: Tim Smith, Level I Written Notice

I met today with Tim Smith regarding his productivity. We had met in January, where we discussed his 53% productivity and a plan to increase productivity to 75% before today. Today, further discussion was held:

REITERATE: I WANT YOU TO BE SUCCESSFUL
I repeated my expectation that Tim’s success is our goal.

RESTATE THE PROBLEM:
Tim’s productivity was originally at 53% of that which is expected per his job description, and he identifies that his productivity is low.

REVIEW THE ACTION PLAN:
Tim’s productivity was expected to be at 75%. To date, it has reached only 68%.
IT reports no issues with software; Tim is in agreement.
Tim received additional training, including an AAPC webinar, a copy of Ingenix Coding Companion, and several hours of training with Susan Brown, CPC. He reviewed his workflow and felt that there was no way to increase efficiency.
WHY DIDN’T IT WORK?
I asked Tim if he could explain why this plan did not work for him. He indicated that he felt that his coworkers made a lot of noise and he could not concentrate. He also felt that his desk was not situated in a way that allowed him to work comfortably. He felt strongly that if these issues were remedied, he would be able to perform at the expected productivity standard.

GIVE FEEDBACK:
I explained to Tim that it was inconsistent with our department to expect there to be complete silence. Tim will bring in his iPod and listen to music.

NEW ACTION PLAN, TIMEFRAME, STEPS TO TAKE:
I will obtain a workplace assessment next week from Rehab services. Tim’s productivity will be re-evaluated in 6 weeks. At that time, productivity standards should reach 75%. We will meet to address further improvement in another 2 months, with productivity standards reaching 95%. We discussed further progressive documentation.
Tim verbalized understanding of this plan, realizes that failure to succeed will result in progressive documentation, up to and including termination, and agrees that it will help him become successful.
Level I Discussion Follow-up

• Were the SPECIFIC action plans completed?
• Are you seeing improvement?
• Can you provide concrete evidence of the (lack of) improvement?
• Be thinking of NEXT STEPS

Level II Documentation

• Review the situation and previous discussions
• Restate: I want you to be successful”.
• Discuss why action plan was ineffective
• TURN IT AROUND—WHAT DO YOU NEED?
• CAN YOU BE SUCCESSFUL
• ASK FOR A TIMEFRAME FOR SUCCESS
• THIS IS THE MEETING BEFORE THE FINAL WARNING. EMPLOYEE HAS CHOICES.
• Get signature
Level II Discussion Follow up

- Is the employees suggested action plan being followed?
- Can (lack of) improvement be measured?
- Notify HR about Final notice
- Review HR Policies
- Be thinking about succession plan

Wait a minute….are we being too accommodating?

- Showing respect for the employee
- Giving every opportunity for success
- Documentation supports significant effort
- Bullet proof in an unemployment hearing
Level III Discussion

- Involve HR and/or your director
- Restate: “Our goal is your success”
- Review events so far. Obtain understanding
- Discuss further implications
- Discuss activities surrounding termination.
- Offer alternative (notice vs. firing)
- Get signature

Level III Discussion Follow up

- Was every effort made to insure success?
- Was the action plan achieved?
- Does employee understand consequences?
- Has HR, IS, Security been notified?
Termination

- At will employment--except
  - Public policy (firing a whistleblower)
  - Implied contract (bonus promised w/o mention of forfeiture)
  - Covenant of good faith and fair dealing (termination for good cause)
Tear the Band-Aid off quickly

• Include HR and other departments on a need-to-know basis
• Meet briefly, recap events so far
• Explain what’s going to happen
• Give time to gather personal items
• Restrict further access
• Escort to door
• Document entire process

What can go wrong?

• Issues with unemployment
• Social media
• Retaliation
• Sabotage
• Violence
• Union
Moving forward

• Interim plan
  • May have to re-evaluate others’ ability to do the additional work

• Staff analysis
  • Do we need this same position filled?

• Debriefing
  • Keep it simple and confidential

Questions?

• Pam.Brooks@wdhospital.com