

Stony Brook Medicine

Administrative Policy and Procedures

Subject: ELD0038 Policy and Procedure for a Hospital Representative Responding to Governmental Investigations	Published Date: 08/21/2025
Leadership	Next Review Date: 08/21/2026
Scope: SBM Eastern Long Island Campus	Original Creation Date: 05/16/2019

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy:

Stony Brook University Hospital (including all campus locations, collectively SBUH") are committed to comply with the law and to cooperate during governmental investigations or inquiry while protecting the legal rights of SBUH and Workforce Members. Workforce Members who receive information indicating that a government investigation of SBUH operations is underway must contact SBUH General Counsel and/or the Chief Compliance Officer, preserve all potentially relevant records and suspend routine document destruction and electronic record deletion practices including the deletion of e-mails until the investigation is completed and closed.

Definitions:

Government Official – A representative of any federal, state or local government or regulatory agency that has jurisdiction to investigate SBUH for any reason.

Hospital Operations – For purposes of this policy, refers to non-routine administrative, financial, legal, compliance, and quality improvement activities of SBUH.

Stony Brook University Hospital (SBUH) campus locations:

- Stony Brook University Hospital Main Campus (SBUH Main Campus)
- Stony Brook Eastern Long Island Hospital (SBELIH)
- Stony Brook Southampton Hospital (SBSH)

Workforce Member - An employee, volunteer, trainee, medical staff member, including state, research foundation, professional employer organization, personnel employed through contracted agencies, or other individual affiliated with SBUH who furnish products or services on behalf of SBUH or is otherwise under the direct control of SBUH, regardless of whether they receive(d) payment(s) from SBUH.

Procedures:

- I. RESPONDING TO AN OFFICIAL'S REQUEST TO ANSWER QUESTIONS:
 1. A government official may attempt to interview a workforce member regarding SBUH operations at the workplace or at home without prior notice. Workforce members have certain rights when an official appears at work or home. Before answering any questions, identify the agent by requesting identification and a business card and ask for the reason for the request. If the person does not have a business card, write down the person's name and the agency the person represents.
 2. The workforce member may ask questions to determine why the official wishes to speak to them.
 3. After obtaining this information, the workforce member is to immediately contacts SBUH General Counsel either directly or through the Quality Services department at any SBUH campus location. If unable to reach SBUH General Counsel, contact the Chief Compliance Officer (CCO) or the Administrator on Duty (AOD) ([HLD0003 Role and Responsibility of Administrator on Duty AOD](#)) who will proceed to contact SBUH General Counsel. If the government official is from the New York State and/or Suffolk County Department of Health, follow the same protocol, but also promptly notify the Chief of Regulatory Affairs (CRA). SBUH General Counsel or the AOD notify other senior leaders as appropriate.
 4. Once the workforce member makes some or all of the above inquiries and notification(s), the workforce member may set up an appointment to speak with the official at a later date and time (this applies whether the official contacts the workforce member at home or at work). A workforce member may speak with an official at any time, but an official cannot force consent to an interview on the spot. Further, a workforce member has the right to request their own counsel or SBUH General Counsel's presence during an interview.
 5. If a workforce member decides to speak with an official:
 - a. The workforce member must be truthful.
 - b. The workforce member has the right to have a witness present during the interview, including personal or SBUH General Counsel.

- c. The workforce member may take notes during an interview, and may record the names, titles, telephone numbers and addresses of individuals present.
- d. The workforce member may terminate the interview at any time and/or seek counsel if not already present.

II. RESPONDING TO A SEARCH WARRANT

- 1. Validate the identity of the agent serving the search warrant (see I.1).
- 2. Ask to see the legal documentation requesting the search (search warrant and supporting affidavit; in some cases, affidavit may be sealed). Ask to make a copy of the documentation.
- 3. Contact SBUH General Counsel and/or the CCO. If neither is available, contact the AOD on duty, consistent with [ELD0003 Role and Responsibility of Administrator on Duty AOD](#).
- 4. Read the search warrant to determine if it specifies a time period and scope for the search. A valid search warrant gives the government agent the right to conduct the search. Do not obstruct the search. However, if the agent searches beyond the scope of the warrant, the workforce member has the right to verbally object. The agent may interpret silence as consent.
- 5. The workforce member assigned as the point person follows the agent during the search and documents all observations.
- 6. Ask the agent(s) for a copy of their inventory list of seized items and obtain permission from the agent to make a copy of all seized documents.
- 7. Be cooperative and never obstruct the search.

III. OTHER GOVERNMENT REQUESTS THAT ARE RECEIVED IN WRITING

- 1. Any Office of Inspector General requests received from any federal agency (e.g., Center for Medicare and Medicaid Services, National Institute of Health).
- 2. Non-routine government audits (e.g., the Department of Health, the U.S. Department of Health and Human Services, the Fraud Unit of any government payer).
- 3. Any governmental communication alleging regulatory non-compliance (e.g., the Internal Revenue Service, a Department of Transportation notice regarding the improper disposal of medical waste, questionnaires from any fraud and abuse division of any governmental agency).

IV. COORDINATION OF THE INVESTIGATION/AUDIT PROCESS

- 1. Upon commencement of an audit or investigation, SBUH General Counsel and/or the CCO must assign a point person to coordinate and assist in the response and take responsibility for the oversight of the investigation/audit activities. This individual(s) works collaboratively with SBUH Operational workforce members, Finance, SBUH General Counsel and the OCAPS.

2. The point person assembles a team of appropriate individuals to respond to the investigation/audit.
3. After completion of the investigation/audit, the point person must:
 - a. Prepare an analytical summary of their findings outlining all significant facts, observations, lessons learned, issues identified and corrective action plan; and
 - b. Share the summary with SBUH General Counsel as applicable and the CCO.
4. The response team must conduct a post-review to ensure any needed corrective actions are implemented.

Forms: (Ctrl-Click form name to view)

None

Policy Cross Reference: (Ctrl-Click policy name to view)

[ELD0003 Role and Responsibility of Administrator on Duty AOD](#)

[ELD0039 Corporate Compliance Code of Conduct](#)

[ELD0068 Acceptance of Legal Papers](#)

Relevant Standards/Codes/Rules/Regulations/Statutes:

None

References and Resources:

None