

How to Respond to a Healthcare Facility Investigation in Massachusetts

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Thomas J. Cleary

By Thomas J. Cleary on July 27, 2026

As a healthcare facility, we know your goal is to provide quality care to your residents, and being investigated can be a significant source of stress and anxiety for everyone involved. Even when an investigation or complaint is found unsubstantiated, the process itself can disrupt your team and introduce anxiety and uncertainty.

Facilities preparing for a possible investigation and those already facing one both benefit from working with a [Massachusetts healthcare and nursing home lawyer](#) at Cohen Cleary, who can help maintain quality patient care, limit liability, and keep the facility operating.

What Triggers a Healthcare Facility Investigation

There are several things that may trigger a healthcare facility investigation, but one of the most common ways is through a report to the [Massachusetts Department of Public Health](#). Anyone can file a complaint like this, including physicians, social workers, loved ones, or the patients themselves. Some of the situations that may spark a report include:

1. Fraud or wasteful billing practices;
2. Abuse or neglect of residents;
3. Providers who violate their professional code of conduct;
4. Medication errors; or
5. Unexpected death of a resident.

Disease outbreaks that may indicate poor health and safety practices may also be flagged for investigation. Not all investigations result in substantiated complaints or disciplinary actions. Sometimes they are simply part of the process.

Who Conducts Healthcare Facility Investigations in Massachusetts

The investigating body can depend on the type of complaint, but the most common agencies include:

1. The [Department of Public Health](#) or the Division of Healthcare Facility Licensure and Certification (DHFLIC) addresses patient welfare or related concerns;
2. The [Office of the Attorney General](#) investigates concerns regarding Medicaid fraud; and
3. The [Board of Registration in Medicine](#) addresses reports regarding medical malpractice or other unprofessional conduct.

Other investigating bodies may include the Department of Mental Health or the Department of Developmental Services if the complaints are specifically related to individuals with disabilities or if your facility is a state mental health facility.

What Happens During a Healthcare Facility Investigation?

The course of an investigation depends on the nature of the complaint or concern. In most cases, the process starts when the regulatory agency notifies your facility of the complaint and its intent to investigate. From there, you can expect requests for specific records and documentation tied to the allegations. The investigation stage can also include in-person evaluations or site visits. The regulatory agency may interview staff or residents during this time.

Once investigators have gathered the pertinent information, the regulatory agency will evaluate their findings and notify you of the final decision. The investigation can result in a dismissal if there is no evidence of a problem. If they determine that there are small issues, they can provide an advisory letter to help you improve practices. If the regulatory agency has determined that there are significant problems, this can lead to formal disciplinary action.

What Steps Should You Take After Learning About An Investigation

If your facility is under investigation, most attorneys recommend that you stop discussing the situation without legal counsel present. We typically advise you to avoid discussing the situation with friends, family, or other coworkers, and never volunteer information that was not requested. Consider this immediate response checklist:

1. Review the notice, issuing agency, allegations, and take note of any deadlines;
2. Notify leadership, compliance, and an attorney;
3. Issue a notice to preserve all documents, including disabling any auto-delete functions; for old documentation;
4. Avoid coaching witnesses or changing any records; and
5. Address any immediate safety concerns.

Preserving evidence and keeping records intact doesn't mean you can't address inaccuracies or problems. It means any corrections should be made as new, separate records rather than by altering the originals. Do not modify or overwrite existing documents.

Your attorney may also ask you to create a timeline of events. This helps identify potential witnesses and relevant facts that could support or complicate your case. The more we can gather up front, the better we can build your case and anticipate problems.

How Healthcare Facilities Should Respond to Investigator

Requests

There is a balance to appropriately responding to an investigation request. You may feel pressured to cooperate and worry that failing to do so will make your situation worse, and this is where your attorney can help. It is unwise not only to stand in the way of the investigation, but also to provide too much information. Your goal should be to respond accurately and professionally with the guidance of your attorney. Any information you provide should stay within the scope of their request and avoid any kind of speculation. Stick to the facts.

Our team will often guide you on what to say and how to respond in a way that is cooperative but still protects your legal position, licensing, and your ability to provide necessary services to Massachusetts communities. Once we determine that the requested information is appropriate to the investigation, we can help you compile and provide it.

Speak With a Massachusetts Healthcare Attorney Today

If your facility is facing an investigation, or if you just want policies in place in the event of one, you can contact a Massachusetts healthcare attorney with Cohen Cleary for support and guidance.

Call us today to [schedule a consultation](#) where we can discuss your situation and help you determine the best way forward.