How to Manage a Crisis Issue

John Hernandez, CEO, On Advertising
Ron Meritt, President, On Advertising
John Hernandez
Chief Executive Officer

Areas of Expertise

Strategic Business Planning,
Crisis Management,
Business Development,
Creative and Branding

15 Years Television Experience – Producer, Photographer, Reporter, Anchor and News Director. Trained by IRE (Investigative Reporter and Editors) and CAR (Computer Assisted Reporting). Investigative Producer/Reporter for 10 years.

Produced, written, edited and directed for KCNC (NBC) – Denver, KVBC (NBC) – Las Vegas, KTNV (ABC) – Las Vegas, WKRN (ABC) – Nashville, and KPHO (CBS) – Phoenix.

ESPN in Bristol, Connecticut. Produced “Friday Night Fights” on ESPN2, as well as halftime shows on ESPN and ESPN2 during college football, basketball and NHL Hockey games.

John has won numerous awards throughout his broadcast career including several from the Associated Press and an Emmy Award.

13 years experience as CEO of On Advertising
25 Years Television Experience – 6 time Emmy-nominated Broadcaster

General Assignment Reporter, Investigative Reporter, Anchor and Meteorologist

Opened the company in 1994 (Full-service marketing & advertising agency).

Expert in Crisis Management and Crisis Communications for Long Term Care Industry. On Advertising is under contract with more than 650 LTC’s around the United States to provide 24/7 Crisis Communication services.
Why do I need Crisis Communication?

**Financial Stability**
Protect the financial stability of the community by limiting or eliminating liability and exposure to lawsuits.

**Reputation**
Protect your community’s reputation thus protecting future revenue with census.
Nursing Home Abuse

Residents in nursing homes increasingly suffer abuse and neglect at the hands of nursing home corporations.

“Every day, American families face difficult decisions about whether to move a loved one into a nursing home. There are nearly 17,600 nursing homes in the United States that currently care for 1.5 million residents — a figure expected to quadruple to 6.6 million residents by 2050. The quality of care provided by these nursing homes has been the subject of much scrutiny in recent years.” – U.S. Congress Committee on Oversight and Government Reform, Chairman Henry A. Waxman, 110th Congress

Over a million people in the United States wake up every day in nursing homes. Many of these individuals are helpless, vulnerable and completely dependent upon nursing home staff to meet most, if not all of their needs. After all, nursing homes are supposed to be in the business of providing skilled nursing care to elderly and disabled residents.

Unfortunately, the quality of care in the nursing home industry has increasingly declined over the past decade. A number of recent studies indicate that residents in nursing homes suffer abuse and neglect more and more frequently at the hands of nursing home corporations. In many cases residents have died or have been severely abused as a result of neglect.

What are the signs of nursing home elder abuse?
Crisis Communication
How to Manage a Crisis Issue

Wilkes & McHugh
Nursing Home Abuse

Attorneys with Wilkes & McHugh, P.A. were named among the Top 10 in the country by the National Law Journal. Wilkes & McHugh, P.A. also had the honor of being featured by the National Law Journal as representing victims of nursing home abuse and neglect.

Signs of Nursing Home Abuse and Neglect:
- Soreness
- Bedsores
- Bruises
- Burnout
- Malnutrition
- Agitation
- Complained Dark

When Wilkes & McHugh, P.A. opened its doors in 1989, nursing home abuse and neglect lawsuits scarcely existed. Although many cases of nursing home abuse and neglect were documented, very few firms would challenge nursing home corporations when they provided bad care.

Attorneys with Wilkes & McHugh, P.A. have been recognized across the nation as "powerhouses" in nursing home abuse and neglect litigation. In fact, the National Law Journal featured attorneys with Wilkes & McHugh, P.A. in its "Mindful: Hot List" publication for our nursing home abuse and neglect litigation practice.

Find out more about nursing home abuse lawyers with Wilkes & McHugh, P.A. and nursing home abuse in the following states (click on the state name to learn more):

- Arizona
  Nursing Home Abuse
  Eldercare Abuse
  Nursing Home Abuse Lawyers
  Elder Abuse Prevention Guide

- Florida
  Nursing Home Abuse
  Nursing Home Abuse Lawyers
  Elder Abuse Prevention Guide

- Pennsylvania
  Nursing Home Abuse
  Nursing Home Abuse Lawyers
  Elder Abuse Prevention Guide

Wilkes & McHugh, P.A. was one of the first law firms to help families hold nursing homes accountable when they engage in abuse in a nursing home.

We’re come a long way in the fight for residents’ rights, but too many families are still paying the price for nursing home abuse. Nursing homes should be held liable when they pay more attention to their bottom line than to the potential for nursing home abuse to be inflicted upon their residents.

And justice across the country has spread.

Wilkes & McHugh, P.A. has a proven track record of holding nursing homes and other elder care facilities accountable for nursing home abuse. Because nursing home abuse and neglect cases often involve the same companies we’ve faced time and time again, we don’t have to spend the time and resources it takes to learn what many other attorneys are discovering for the first time. Our highly-experienced nursing home abuse team works hard for the best results possible in nursing home abuse cases.

Lawyers with Wilkes & McHugh, P.A. have helped thousands of families achieve justice when their loved ones suffered abuse in a nursing home. If you suspect someone you love is the victim of nursing home abuse, call Wilkes & McHugh, P.A. at 600-230-9570 or visit us to have a nursing home abuse lawyer contact you.
**Investigating nursing homes**

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
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<tbody>
<tr>
<td>Number</td>
<td>2591</td>
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<tr>
<td>Subject</td>
<td>Nursing Homes</td>
</tr>
<tr>
<td>Source</td>
<td>Ziva Branstetter</td>
</tr>
<tr>
<td>State</td>
<td>The Tulsa World</td>
</tr>
<tr>
<td>Year</td>
<td>2006</td>
</tr>
<tr>
<td>Publication Date</td>
<td><em>Pi</em> _World, IRE Annual 2006*</td>
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<tr>
<td>Summary</td>
<td>Branstetter provides a number of tips for reporters who are covering nursing homes and/or those who care for the elderly. She also provides a list of story ideas, along with resources for those who are getting started on this type of story.</td>
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Investigating Caregivers

Number: 3124
Subject: Nursing Homes
Source: Sam Roe
State: Chicago Tribune
Year: 2011
Publication Date: 2011 IRE Conference (Orlando, Fla.)

Summary: Roe provides stories and tips on how to cover caregivers. Learn who to talk to, to find out which caregiver, in which state prescribed which drugs.

Category:
Files: Only members can download tipsheets! Log in to get access.
What is a Crisis?

A situation or event which can significantly affect the short and/or long-term credibility, financial stability and/or safety of your Community.
10 SAMPLE CRISIS SITUATIONS

- Citation received during recent inspection
- Resident's family complaining to media regarding care
- Missing resident
- Employee theft of resident property
- Kidnapping of resident
- Allegations that a caregiver engaged in sexual misconduct with a resident
- Resident/staff death or injury due to fire
- Resident/staff death or injury due to shooting
- Death of resident as a result of an employee error
- Murder of a resident by another resident
Crisis Communication

Internal versus External

**INTERNAL**
When a crisis happens inside your community and it has not reached the media... It is Internal. Unless or until the media contact you and ask questions, it remains Internal.

**EXTERNAL**
Only WHEN the media contacts you, then your crisis becomes External.
It is important that you stress to your employees that when a crisis situation occurs, they are not to discuss the crisis with anyone, including:

- Fellow employees
- Family members, friends and roommates
- Residents and their family members
- Members of the media
Eliminating rumors and gossip is critical. Employees are not to talk or discuss the crisis by any means, including telephone, text, e-mail or social media.

Employees who violate this policy should be terminated immediately.
Crisis Communication

Internal Strategy

Address the crisis situation with the residents and family members in writing within 4 hours of the crisis (via e-mail or text message.)

Discuss what happened and what has been done to this point; assure that the crisis is under control and their loved one is safe.

Have a contact person(s) with phone number to call with any questions.
Comments to the Media must be:

- Carefully Measured
- Clearly Articulated
Crisis Communication

External Strategy

Remember:
You have no obligation to speak to the media. However, you should communicate with them!

Always have a “communication response strategy” in mind.
RESPONDING TO THE MEDIA

OPTION 1

Offer a brief statement that defers your comment to a later time

This option must contain a date and time in which additional information will be released
RESPONDING TO THE MEDIA

OPTION 1

BRIEF STATEMENT

UPSIDE: Media have few details, which may limit ability to report

DOWNSIDE: “No comment” = “I’m Guilty”

Use phrases such as – “We are looking into what happened and will be providing additional information at (date/time)”
RESPONDING TO THE MEDIA

OPTION 2

Release a written statement to the media inquiring on the topic and refrain from further comment

E-mail the prepared statement only to media outlets which contact you, not to all media
RESPONDING TO THE MEDIA

OPTION 2

RELEASE STATEMENT AND REFRAIN FROM COMMENT

UPSIDE: Official response is clearly planned and articulated

DOWNSIDE: Sometimes appears cold, insensitive and/or defensive
RESPONDING TO THE MEDIA

OPTION 3

GRANT AN INTERVIEW

Forms: News Conference, 1-on-1 or Phone.

UPSIDE: Frame the angle and articulate a strong case.

DOWNSIDE: MUST use a trained spokesperson to maximize benefit. Once you say something, you cannot take it back.
INCOMING MEDIA CALLS

Receptionist is to place incoming media calls on hold and contact the administrator or senior manager on premises and forward the call to voice mail. Receptionist is not to answer any questions.

If you pick up the phone and it is a reporter, inform them you are in a meeting, ask what they need and tell them you will return their call in 10 minutes. This will give you time to prepare a statement which you can read to the reporter.
MEDIA SHOW UP AT YOUR DOOR

If a reporter shows up at your community without an appointment and without permission, have your receptionist give the administrator’s business card and politely tell them to contact the administrator by phone or e-mail.

Then escort the media off the premises as quickly as possible! If the reporter/photographer refuse to leave, call the police to your community.
Citation(s) received during recent inspection of community

Situation: A community receives one/several “minor” citations during a recent inspection and a local newspaper decides to run a story regarding the discovered shortcomings and contacts the community for comment.
CASE STUDY 1
Citations

Citation(s) received during recent inspection of community

OPTION 1
Offer a brief statement that defers your comment to a later time.

OPTION 2
Release a written statement to the media inquiring on the topic and refrain from further comment.

OPTION 3
Grant an Interview.
CASE STUDY 1

Citations

RESPONSE – OPTION 2
Release a statement and refrain from further comment

Statement could result in stopping story, or creating a positive image.

Talking points should include:

- Educate reporter on the inspection system
- Explain your process for providing care
- Reinforce commitment to accountable care
“One of the most valuable tools the State employs to ensure quality care is the regular inspection of licensed communities. Contrary to popular belief, these are not adversarial situations. Leading Communities like ours actually embrace the process to confirm that we are providing the finest care possible and to identify areas where we can continue to improve.

In our profession, it is rare for a Community to not receive any citations as there is always room for improvement somewhere. While we take these issues seriously, we also believe that the public should be encouraged with our report. It confirms that the system is working, that inspections are taking place, and that we are continually improving our operations to ensure the finest quality care for our residents.”
Allegations of sexual misconduct by a caregiver

**Situation:** Family members of a resident have made allegations regarding sexual misconduct by one of the caregivers in your community. In their outrage, they have leaked the story to an investigative reporter who is calling to request an interview.
CASE STUDY 2
Sexual Misconduct

Allegations of sexual misconduct by a caregiver

**Analysis:** Involves “allegations” instead of documented facts.

Do not let the reporter jump to conclusions.

Do not perpetuate story by being silent, which can make you appear guilty even when you aren’t.
Allegations of sexual misconduct by a caregiver

**OPTION 1**
Offer a brief statement that defers your comment to a later time.

**OPTION 2**
Release a written statement to the media inquiring on the topic and refrain from further comment.

**OPTION 3**
Grant an Interview.
CASE STUDY 2
Sexual Misconduct

RESPONSE – OPTION 2
Release a statement and refrain from further comment

“On November 19th, we received a complaint regarding possible inappropriate conduct by one of our caregivers. An investigation is now underway to determine what may or may not have taken place. The staff member in question is on administrative leave pending the results of the investigation. That is all the information available at this time.”
CASE STUDY 2
Sexual Misconduct

RESPONSE
Offer a brief statement

Statement does not make you look:
• Defensive
• Insensitive to the resident and family
• Close-minded / unfair

Statement does convey:
• Professionalism
• Assurance of situation
• Nothing to report
Family members complaining to media regarding quality of care

OPTION 2
Release a written statement to the media inquiring on the topic and refrain from further comment.
Crisis Communication
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CASE STUDY 3
Family Member Complaint

RESPONSE — OPTION 2
Release a statement and refrain from further comment

“We are currently investigating allegations made by the family of (First/Last name). As part of our standard operating procedures, we do not address allegations. The health, safety and well-being of our residents are always our top priorities. We are very proud of our support in the community and our unparalleled record of providing our residents the finest quality of care. This is all the information available at this time”.

• Addresses the media without giving any information or addressing allegations

• Does not assign blame or become defensive
CASE STUDY 4
Employee Theft

Allegations of employee theft of resident property

OPTION 2
Release a written statement to the media inquiring on the topic and refrain from further comment.
**CASE STUDY 4**

**Employee Theft**

**RESPONSE – OPTION 2**

Release a statement and refrain from further comment

“Local police have arrested Joe Smith, a former employee of XYZ Community, who is accused of stealing from residents while on the job. Nothing is more important to us than the safety and well-being of our residents, and we regret that Mr. Smith, without any knowledge of staff and management, allegedly engaged in these serious crimes. We continue to cooperate fully with police in their ongoing investigation and are working closely with the affected residents and their families.”

- Sets a warm tone, conveys commitment to family
- Does not assign blame or become defensive
CASE STUDY 5
Resident Death

Resident death due to accident and possible employee error

**Scenario:** A resident falls out of bed and lands on the floor. After being sent to the hospital the resident passes away from his injury.

**OPTION 2**
Release a written statement to the media inquiring on the topic and refrain from further comment.
CASE STUDY 5
Resident Death

RESPONSE – OPTION 2
Release a statement and refrain from further comment

“We are saddened by the passing of our beloved resident and we offer our deepest condolences to the family of (Mr/Mrs Smith). During this highly emotional time, some unsubstantiated and unprovoked allegations regarding (Mr/Mrs Smith’s) passing were made by family members. We take any allegations regarding the quality of care very seriously and as required by law have reported the allegations to the State and launched an internal investigation. The results of the investigation will determine what did or did not take place with regards to (Mr/Mrs Smith) and will be submitted to the State. This is all the information available at this time.”
America’s Most Successful Crisis Management

Johnson & Johnson’s handling of the Tylenol tampering crisis in 1982.
In 1982, someone in the Chicago area put cyanide in bottles of the painkiller Tylenol, which killed seven people.

As a nationwide panic ensued, Johnson & Johnson immediately reacted, pulling all Extra Strength Tylenol capsules off store shelves.

This 32 million bottle recall cost J&J more than $100 million dollars.

While this was in no way Johnson & Johnson’s fault, as the cyanide was put in bottles on store shelves long after the manufacturing process, the company knew it had to deal quickly with this crisis to save lives, their reputation and possibly their business.
Johnson & Johnson put up a reward of $100,000 for information leading to the arrest of the person(s) responsible for adding cyanide to Tylenol bottles.

At the time the poisonings started, Johnson & Johnson had 37% of the painkiller market. Their market share dropped to 7% within a few months.

Today, their market share is back up to 38% of the total United States painkiller market and they are again a leader in the over-the-counter pain reliever market.
• A “Crisis Emergency” can do serious damage to your business

• It won’t if you deal with it quickly and with the right response

• Don’t be forced to play “catch up” — deal with the crisis from the start

• Don’t try to “go it alone” — The hard-earned reputation and even survival of your business may be at stake
• Developing a Crisis Communication Plan is a prudent step for every business

• Emergencies can arise at any time!

• The bottom line: Limit or eliminate possible financial damages and liability as a result of a crisis situation

• BE PREPARED
Crisis Communication

Audience Participation

What is your current plan?

What is your experience?
Crisis Communication

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