



Ombudsman Outlook: News, Resources, and Tips

Brought to you by:



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CMS Quality and Certification Oversight Reports Website: Publicly Available Enforcement Database

In August 2017, the Centers for Medicare & Medicaid Services (CMS) launched a [new website](#) called the Quality and Certification Oversight Reports ([QCOR](#)) to replace the Survey and Certification Providing Data Quickly (S&C PDQ) system. The previous S&C PDQ system required a username and password to access the enforcement information, but the new QCOR website does not require log-in information and is readily available to all long-term care stakeholders and the public. Per the [CMS S&C memo](#), the new website is part of a CMS initiative "focused on increased transparency and access to data, to providers, suppliers, and stakeholders."

The new QCOR website provides the results of CMS survey and certification activity over the last 10 years. The QCOR website can be accessed at <https://qcor.cms.gov>.

The site includes information on all CMS providers and suppliers, such as home health agencies, hospices, intermediate care facilities for individuals with intellectual disabilities (ICF/IID), and nursing homes. There are multiple reports available regarding enforcement of nursing homes, including survey reports, deficiency reports, enforcement reports, and abuse reports. A few examples of the type of information available in these reports are below.

Survey Reports

Overdue Recertification Surveys
Recertification Survey Counts
Survey Activity Report
Frequency of Data Entry (F4)

Deficiency Reports

Deficiency Count
Average Number of Deficiencies

In This Issue

- [CMS Quality and Certification Oversight Reports Website](#)
- [New and Updated Resources](#)
- [News from the Network](#)
- [TA Hot Topic: Systems Advocacy](#)
- [NORS Corner](#)
- [LTCO Volunteer Management](#)
- [Quick Tips!](#)

NORC is on Facebook and Twitter!



NORC Featured Resource

Ombudsman Compendium on Volunteer Retention

This chapter provides tools and strategies to enhance retention of skilled and effective volunteers. Read the compendium [here](#) and the appendices [here](#). These materials are located on the

Citation Frequency
Double G Citations Report

Enforcement Reports

Enforcement Actions
Civil Money Penalty (CMP)

Abuse Reports

Abuse Citation Rates

Users of the database can generate reports to gather specific information for nursing homes in their own state and region. For example, a user can create a report regarding Civil Monetary Penalties for a specific year (fiscal year or calendar year), type of nursing home provider (Medicare and Medicaid; distinct part of a SNF; Medicare only SNFs; or Medicaid only), by facility characteristics (specific chain; number of beds; hospital based or freestanding; for-profit, non-profit, or government owned), and type of deficiency and scope and severity.

What Does This Mean for Ombudsman Programs?

This new data could be used to inform Ombudsman program work and advocacy. For example, Ombudsman programs could use information from this database to:

- Provide consumer education about enforcement history and systems issues.
- Inform systems advocacy about specific quality of life and care issues such as abuse.
- Identify compliance trends in specific chains and/or regions.
- Enhance collaboration and communication with state survey agencies.
- Notify stakeholders interested in enforcement and oversight.

Please let us know if your program uses this new database in your advocacy, email ombudcenter@theconsumervoice.org.

[Back to top](#)

New and Updated NORC Resources

NEW! [Consumer Fact Sheet Regarding Nursing Home Discharges](#)

NORC and Consumer Voice developed a new fact sheet titled, ***Nursing Home Discharges: You've Been Told to Leave....Now What?***, to inform consumers, their families, and others about rights regarding discharge.

NEW! [Webinar Materials - Systems Advocacy: It's More than Legislative Work](#)

The webinar discussed what is required under the federal law and rule regarding systems advocacy and presenters shared how they promote better care through systems advocacy at both the state and local level and how they coordinate their advocacy. Attendees

volunteer recognition and retention page of the NORC [website](#).

[Calendar of Events](#)

April 15 - 21, 2018

National Volunteer Appreciation Week. More information [here](#).

May 2018

Older Americans Month. More information [here](#).

October 2018

Residents' Rights Month. More information [here](#).

October 22 - 24,

2018 Consumer Voice Annual Conference. More information [here](#).

[Questions or Ideas?](#)

Do you have any questions or challenges related to LTCO advocacy and program management you want addressed in a future newsletter? Do you have any suggestions for articles or feedback about this issue? If so, [please let us know](#).

[Save and Share](#)

We encourage you to share this newsletter with your LTCO program. You can forward this email or save and share the PDF version saved on our [website](#).

[Want to receive the Ombudsman Outlook directly?](#)

Did you receive this issue of the Ombudsman Outlook from a colleague or your LTCO supervisor? [Let us know](#) if you want to

also learned about available NORC resources regarding systems advocacy such as the Role and Responsibilities of Ombudsman Programs Regarding Systems Advocacy for [State Ombudsmen](#) and [Local Ombudsman Program Representatives](#). View the slides as a [PDF](#). Additional information about systems advocacy is available on the NORC [website](#).

NEW! [Training Materials on Abuse and the Revised Nursing Home Regulations](#)

Consumer Voice and NORC have created several new training materials on the topic of abuse, neglect, exploitation and misappropriation of property. The materials are based on the revised nursing home regulations. The new materials can be used together as an educational toolkit for training by and for Ombudsman program representatives, for members of resident and family councils, facility in-service training and community education. The materials include: [Video with voiceover](#); [Clickable Prezi presentation without a voiceover](#); [Script](#); [PowerPoint](#); and [Fact sheet](#). All materials are available on the Consumer Voice website [here](#) and on the NORC website [here](#).

NEW! [Issue Page on Younger Residents](#)

Younger residents in long-term care facilities represent a growing but frequently under-served population. In 2013, 15.1% of residents in nursing homes were younger than 65 ([Long-Term Care Providers and Services Users in the United States: Data From the National Study of Long-Term Care Providers, 2013-2014, United States HHS, CDC](#)). Resources on this page share issues younger residents encounter in long-term care facilities and advocacy considerations for ensuring individualized care and enhanced quality of life and care.

NEW! [2017 NORC Evaluation Results](#)

In September 2017, NORC sent a planning and evaluation questionnaire to all State Ombudsmen and program representatives and we received over 100 responses. The responses help NORC evaluate the success of its activities and materials and provide NORC staff with key information in planning for future tasks. This [email](#) is based on the results of this questionnaire and is broken down into four categories with common responses and links to what we have available for each category.

NEW! [Residents' Rights Fact Sheets Available in Other Languages](#)

The newly updated residents' rights fact sheets are now available in Spanish, French, Chinese, Korean, Tagalog, and Braille. Residents' Rights are guaranteed by the federal 1987 Nursing Home Reform Law. The law requires nursing homes to "promote and protect the rights of each resident" and places a strong emphasis on individual dignity and self-determination. Promote these essential rights with the Residents' Rights Fact Sheets. Download and print the fact sheets free from our [website](#) or purchase a pack of 25 in our [online store](#). The English version is available on our website [here](#) or for purchase from our [online store](#).

NEW! [January, February, and March NORC Notes](#)

subscribe and receive our newsletter directly.

Do You Miss The Voice?

LTCOPs no longer receive The Voice (the Consumer Voice weekly e-newsletter) automatically. If you miss the long-term care news from The Voice [subscribe for free](#) or become a [member](#) to receive this publication.

NORC Notes is a monthly email reminder of available resources on the NORC website and tips for how your program can use them. The [January issue](#) was on self-evaluating your Long-Term Care Ombudsman Program. The [February issue](#) was on an online training curriculum to prepare program representatives for effective advocacy. The [March issue](#) was on systems advocacy.

UPDATED! [Reference Guide on Responding to Allegations of Abuse](#)

This [reference guide](#) discusses how LTC Ombudsmen can respond to allegations and observations of abuse, neglect, and exploitation when the resident does not or cannot give consent to pursue the complaint. In the absence of resident consent, ombudsmen can take other actions to adhere to disclosure requirements and work to ensure the resident receives quality care and is protected from harm. This guide reviews the federal requirements and the LTCOP rule regarding complaint investigations and disclosure, highlights statements from the Administration on Aging, and provides advocacy strategies and additional resources. Additional information about abuse, neglect and exploitation is available on the NORC [website](#).

UPDATED! [Systems Advocacy Briefs](#)

These guides briefly define systems advocacy, review the federal mandate and support for systems advocacy work by Ombudsman programs, define several systems advocacy strategies, share examples of Ombudsman program advocacy, and provide resources for additional information. The two guides are entitled, [Role and Responsibilities of Ombudsman Programs Regarding Systems Advocacy – State Ombudsmen](#) and [Role and Responsibilities of Ombudsman Programs Regarding Systems Advocacy – Local Ombudsman Program Representatives](#). Additional information related to systems advocacy is available [here](#).

UPDATED! [Quick Tips: Volunteer Program Assessment, Retention, and Program Expansion](#)

This tip sheet provides specific points to consider during assessment of your current volunteer program, recruitment of potential volunteers and the development of volunteer positions that will suit your volunteers' interests and strengths in order to benefit your program. This document also identifies resources regarding volunteer recruitment and volunteer role development. Additional information about volunteer management is available [here](#).

UPDATED! [Improving the NORC Website – Updated NORS, Training, and Volunteer Management Pages](#)

The NORC website is filled with information, resources, news from State Long-Term Care Ombudsman Programs, and interesting stories to support and inform LTCOPs across the country. Based on your feedback, NORC is currently updating the website. In an effort to simplify the website, we are archiving or revising older materials, reorganizing webpages, and updating the search function. In order to see these changes to the [NORS pages](#), [Training pages](#), and [Volunteer Management pages](#) you must clear your browser's cache history. Clearing your cache is simple. In Google Chrome click the three dots that indicate "More" in the top right corner. Then

click "More tools" and "Clear browsing data." At the top, choose a time range and be sure to check the box "Cached images and files." Learn about the different sections of the website and how to better navigate the pages with these [helpful tips](#) and visit the [site map](#) to see all pages within our website.

[Back to top](#)

News from the Network...

Georgia Ombudsman Program Representatives worked with facilities and residents to facilitate a letter writing and petition signing campaign asking for fully funding a \$20 increase in the Personal Needs Allowance

The governor and law makers in Georgia received more than 1,100 signed letters and petitions from Nursing Home residents urging an appropriation to fully fund a \$20 increase in the Personal Needs Allowance (currently \$50.00 a month). The increase was authorized in legislation that was passed last year by the General Assembly. Gov. Deal recommended an appropriation that would fund half of the \$20 increase. Ombudsman Representatives have worked with facilities and residents to facilitate the letter writing and petition signing campaign for full funding.



Pictured are the PNA letters and petitions signed by residents.

Colorado State Ombudsman, Anne Meier, discussed two bills regarding arbitration with the Colorado Legislature

[HB18-1261 Colorado Arbitration Fairness Act](#), applies to certain consumer and employment arbitrations and establishes ethical standards for arbitrators; specifies that any party may challenge in court the impartiality of an arbitrator or arbitration services provider; requires specified disclosures by arbitrators and arbitration services providers; and authorizes injunctive relief against an arbitrator or arbitration services provider who engages in certain specified acts. [HB18-1262 Arbitration Services Provider Transparency Act](#), requires arbitration services providers that administer consumer or employment arbitrations to collect, publish, and make available

specified information on those arbitrations administered in the previous 5 years. The bills are paired and being heard together.



Anne Meier (left) speaking with the Colorado Legislature.

Texas State Ombudsman, Patty Ducayet, was quoted in NY Times article about nursing home discharges

Discharges and evictions have been one of the top-ranking category of grievances brought to State Long-Term Care Ombudsman Programs for several years. While nursing homes can discharge residents for a limited set of reasons, legal advocates say that home operators sometimes interpret those reasons in unjustified ways. In 2015 there were 9,192 complaints about the discharge and eviction of nursing home residents, out of a total of 140,145 complaints. Patty Ducayet, Texas State Long-Term Care Ombudsman, said that disputes over whether a particular nursing home can meet a patient's needs were common and is often "a gray area." A nursing home may be justified in saying it cannot care for patients who cannot breathe on their own. However, Ducayet said, it would not be justified in discharging patients because they refused to take medications or because they filed complaints with state officials. Read the full article [here](#).

Hawaii State Ombudsman, John McDermott, participated in a PBS broadcast

Hawaii State Ombudsman, John McDermott, participated in a PBS' INSIGHTS guest panel. This broadcast was part I of II. Part I was a tutorial on the various levels of long-term care and what kinds of cash payment or various insurance coverage could be involved. The panel also held a discussion about navigating through the different reasons people end up being eligible or ineligible for Medicaid. Watch the video [here](#).

An Article on Emergency Preparedness was published in AgingToday

Consumer Voice Executive Director Lori Smetanka and former Ohio State Long-Term Care Ombudsman Beverley Laubert wrote an article on emergency preparedness in the American Society on

Aging's newspaper, *AgingToday*. Long-term care facilities are required by law to have plans for emergency procedures. In 2016, CMS wrote comprehensive rules around emergency preparedness including requiring 17 different provider types, including nursing facilities, to have an emergency preparedness program that meets all federal, state and local requirements and to develop policies and procedures based on the emergency plan; to require training and to test the plans; and to mandate standby power systems. Read the article [here](#).

Illinois Ombudsmen advocated against resident “dumping”

Illinois State Ombudsman, Jamie Freschi, was quoted in the State Journal-Register. In Illinois, involuntary discharges are the top complaint filed against nursing homes and advocates will push again this year to enact stricter legislation that guards against improper discharges. The legislation was introduced in the General Assembly last year but didn't receive a vote of the full House or Senate. “Long-term care facilities are required by federal law to give 30 days' notice before evicting someone but notice often isn't given, leaving nursing home residents stranded in hospitals while nursing homes immediately evict them or give no reason or inadequate reasons for not taking them back,” Freschi said. Another bill, will again include language to “give voice to our most vulnerable population” when nursing homes and assisted-living centers want to evict people they view as bothersome or difficult to care for. In addition, Freschi said, “The legislation also closes loopholes that currently allow facilities to circumvent regulations making it far too easy to be non-compliant.” Read the full article [here](#).

Ohio Ombudsman program representatives successfully advocated for not discharging a resident to a homeless shelter

Every year, involuntary discharges are the most frequent complaint handled by ombudsman programs across Ohio. Often, those discharge issues can be resolved through advocacy and collaboration with the resident, their family members and facility staff. When discharge action can't be avoided, a state hearing can be held, as in the case published by the [My Dayton Daily Mail](#). The Ombudsman program representative filed an appeal of the discharge and advocated that a homeless shelter was not a safe discharge location for an individual unable to walk, has mild dementia, and currently takes 17 prescription medications. The nursing home stated they had searched for an alternative nursing home for the resident but no facility was willing or able to currently accept the individual as a resident. The hearing officer's decision concluded the nursing home was not permitted to discharge the resident to a homeless shelter, which was clearly an unsafe location for the resident. Read the full article [here](#).

This "News from the Network" article appears in every issue in order to highlight your work and news. We encourage you to [send](#) your advocacy successes, program management examples, and resources so we can learn from you and share your experience with your peers.

[Back to top](#)

TA Hot Topic

Systems Advocacy

In early March, NORC hosted a webinar, "[Systems Advocacy: It's More Than Legislation](#)," and shared examples of state and local advocacy from Georgia. During the webinar, participants were asked if they were actively participating in a systems advocacy project. Of the 146-people listening to the live webinar:

- Six State Ombudsmen said they were participating in systems advocacy and one said not at this time.
- Forty-two representatives were participating in systems advocacy, while 30 indicated they were not currently working on a project.
- When asked if volunteers were a part of the systems advocacy project, 43 people said yes and 25 said no.

NORC would like to hear what project you are working on, whether it's a statewide effort, a regional effort, or something within one facility or chain of facilities. Send your information to ombudcenter@theconsumervoice.org.

During the systems advocacy webinar, both Melanie McNeil, Georgia State Ombudsman, and Elaine Wilson, local Ombudsman program representative, explained how they work together on statewide and regional advocacy efforts. They emphasized the importance of a joint effort with frequent and ongoing communication before, during, and after a project.

The Administration for Community Living (ACL) addressed the importance of coordination and the role of the Ombudsman and program representatives in systems advocacy in their [Frequently Asked Questions](#) (FAQs) about the LTCOP Rule.

11) Does the Rule describe responsibilities of the Ombudsman that are different from the duties of representatives of the Office regarding commenting on or recommending changes to laws, regulations, and policies?

Yes. The Rule provides latitude for Ombudsman program policy to clarify how these activities can be operationalized within a particular State's program at state and local levels.

There are a number of differences between the responsibilities of the Ombudsman and the duties of the representatives of the Office which are described in both the Act and the Rule and which relate to systems advocacy activities (including commenting on or recommending changes to laws, regulations, and policies). Relevant systems advocacy provisions that relate specifically to the Ombudsman (or to the Office, which the Ombudsman heads), but not to representatives of the Office include:

- A State's policies and procedures must assure that the Office of the State Long-Term Care Ombudsman (the *Office*) has sufficient authority

to carry out its responsibility to, among other things, recommend changes to laws, regulations, and policies as the *Office* determines to be appropriate. [Older Americans Act Section 712(h)(2); 45 CFR 1324.11(e)(5), emphasis added]

- Recommending changes in laws, regulations, policies, and actions as the Office determines to be appropriate is specifically a function and responsibility of the *Ombudsman*. [OAA Section 712(a)(3)(G); 45 CFR 1324.13(a)(7)(ii)]
- The *Ombudsman* must fulfill other functions related to systems advocacy, including "leadership to statewide systems advocacy efforts of the Office...including coordination of systems advocacy efforts carried out by representatives of the Office." [45 CFR 1324.13(a)(7)(iv)]

We note that the Rule does not prohibit the Ombudsman from delegating some systems advocacy activities to representatives of the Office. In fact, among the duties of representatives of the Office are to "review, and *if necessary*, comment on...government policies and actions." [OAA Section 712(a)(5)(B)(v)(I); 45 CFR 1324.19(a)(5)(i); emphasis added].

This means that the Ombudsman (consistent with Ombudsman program policy and procedures) can specify under what circumstances it may be necessary for a representative of the Office to comment on government policies and actions. We further note that the Rule requires procedures to ensure that both the Ombudsman and representatives of the Office are not prohibited by State lobbying provisions from performing duties, including systems advocacy, required in section 712 of the Act. (45 CFR 1324.11(e)(5)(i)).

Feel free to [contact NORC](#) if you have questions or comments.

NORS Corner

Understanding the various components of NORS reporting is critical to ensuring consistency in each state and nationwide. As part of our work to enhance the usability of our website NORC recently moved all NORS instructions, training, data, and resources to the same [page](#) and removed duplicative posts. The new page is easier to access under the "Support" tab on our homepage. Programs are encouraged to check the [training page](#) on a regular basis and to

download the information from this page prior to each training to ensure they are using the most recent version.

Due to feedback regarding the quiz answer we recently updated the first bonus question in the [Part IV Quiz](#).

Bonus Question 1. A family council asks the local ombudsman program to give a presentation on residents' rights at a monthly family council meeting. Two ombudsmen attend the meeting, and each participates in the presentation.

What activity best fits this situation? *Work with family council*

Identify all measures/topics required:

Measure: *1 Family Council Meeting*

Topic: *Not required. In this scenario participation in family council can only be counted by one ombudsman. The measure that AoA wants to know is how many meetings were attended which reflect support for family councils, not how many ombudsmen attended the meeting.*

[Back to top](#)

LTCOP Volunteer Management

Another Piece of Volunteer Training: Shadowing

Job shadowing is a popular way to conduct on-the-job learning. It involves visiting residents in the long-term care facility along with a LTCOP staff member or experienced volunteer. It allows the new volunteer to get a better idea of how to interact with residents and facility staff, as well as, applying the concepts of complaint problem solving, confidentiality, and residents' rights which were learned in training.

Shadowing is beneficial for both the person doing the shadowing and the person being shadowed. For the new volunteer, this activity helps them become more confident, aware, and better prepared to take on the Volunteer Ombudsman role. For the experienced Ombudsman program representative, it provides an opportunity to give and receive feedback, helps enhance the connection with the volunteer, and demonstrates the trust the LTCOP has representatives.

Most programs that offer shadowing do it after the person has completed their training and before being assigned a facility. Some do the shadowing at the beginning of the training to ensure the person fully understands the work they will be asked to do. Additionally, some programs conduct annual shadowing visits as part of the volunteer evaluation. For programs considering shadowing prior to certification, it is important to be mindful of confidentiality during the visits. Although the potential volunteer may have signed a confidentiality agreement as part of their application or orientation, the Ombudsman program representative should ask permission for the trainee to listen into visits with residents since

they are not fully trained or designated to act as a representative yet.

The following are examples of shadowing resources from LTCOPs across the country.

- Annual Shadow Evaluation (Alamo and Bexar AAA, Texas): [Shadowing and Evaluation Form and Volunteer Experience Survey](#)
- [Shadow Evaluation \(Iowa\)](#)
- [Shadow Evaluation Form \(Salt Lake County Aging Services Ombudsman Volunteer Program, Utah\)](#)
- [Guidelines for a Successful Shadowing Visit \(Texas\)](#)
- [Instruction Letter to Experienced Ombudsman Representative \(New York\)](#)

If you have questions about shadowing, please feel free to contact NORC: ombudcenter@theconsumervoice.org and, if you want to be included on the listserv for volunteer managers, please contact Carol Scott: cscott@theconsumervoice.org.



National Volunteer Appreciation Week

April 15—21, 2018

What is your program doing to recognize the volunteers who give their time to visit and advocate with and for individuals that live in long-term care facilities? The week of April 15 to 21, National Volunteer Week, is a perfect time to reach out and say thanks for volunteering with your program and making a difference in the lives of the residents.

Thank your volunteers and recognize their work publicly by sending NORC brief messages of appreciation for their dedicated advocacy (e.g., examples of their advocacy, years of service, photos). We will post your message on our website and highlight the submissions on our home page. Email your submissions to ombudcenter@theconsumervoice.org.

For more information visit the NORC [website](#) or the Points of Light [website](#).

[Join](#) the LTCO Volunteer Management Network today to connect with your peers, exchange ideas, share resources and talk about LTCO volunteer management.

[Back to top](#)

Quick Tips!

Volunteer Management

These tips were adapted from the resource [Quick Tips: Volunteer Program Assessment, Retention, and Program Expansion](#).

Additional information about volunteer management is available on the NORC [website](#).

There are a several important tips to keep in mind when managing a strong volunteer program. The first tip is **program assessment**. Assessing your program is important to help identify what type of volunteers to recruit and how to keep them around.

The first step is to identify who your volunteers are and what their demographic is. For example, how many of your volunteers are retired, work part-time or work full-time, what generation are they in? These factors can affect their volunteer experience and your program management approach. It is also important to identify their interests and strengths. Find out if they are part of any other organizations or associations, and are they willing to talk to those people about the LTCOP? These are questions you can ask them during the interview process. However, program assessment does not only have to be done during the interview process. You can conduct an annual survey to find out about their volunteer experience, if they have suggestions on training topics, or if they have general feedback for the program.

If you are experiencing high turnover it is important to find out what are the reasons your volunteers are leaving the program and what is their average length of service? These questions are important in order to find out where your program may be experiencing weaknesses.

The second tip is to **provide volunteers with opportunities and responsibilities**. Providing volunteers with short-term, special projects will make them feel valuable. You can seek volunteer assistance in tasks such as compiling a newsletter or speaking to community groups. You can also create leadership roles within the volunteer program such as a mentorship program or have them conduct in-service trainings with facility staff. Other responsibilities for volunteer include public policy and advocacy such as showing them how to track legislative action and testify on bills, ask them to monitor news stories about long-term care issues, or ask them to write letters to the editor about long-term care issues.

The third tip is making time to **recognize your volunteers**. Recognizing your volunteers for their work is important in order to managing a strong volunteer program. Making sure that recognition happens consistently is more important than the size of the gesture. Recognition doesn't have to be flashy or costly. Recognition can be given in small thoughtful gestures such as sending a thank you card or rewarding someone with a certificate. However, more formal recognition events or gifts such as a luncheon or banquet are fun ways to connect and show your appreciation for their work. Never underestimate the value of effective praising.

Additional Resources

- [NORC Compendium on Recruitment, Training and Retention](#)
- [Training Materials for Volunteer Ombudsman Program Representatives](#)

[Back to top](#)

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Clicking the unsubscribe link will remove you from all Consumer Voice and NORC email lists.

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