

**RESPONSE SUMMARY:  
THE IMPACT OF MDS 3.0/SECTION Q IMPLEMENTATION  
NORC QUESTIONNAIRE, DECEMBER 2010  
Created: January 5, 2011**

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- 31 State Long-Term Care Ombudsmen responded to the November 2010 questionnaire regarding the impact of MDS 3.0/Section Q providing a broad representation of the country.
- Has the Office of the SLTCO distributed CMS' Section Q consumer brochure to local ombudsmen and/or consumers?
  - Yes: 23                      No: 7                      No response: 1
- Has a Local Contact Agency (LCA) been designated in your state?
  - Yes: 26                      No: 3                      No response: 2
- Please provide the name of the agency/s:
  - Area Agency on Aging (AAAs): 2
  - Centers for Independent Living (CILs): 1
  - Aging and Disability Resource Centers (ADRCs): 4
  - State Unit on Aging: 2
  - State Department of Health: 2
  - State Department of Aging and Disability Services: 2
  - State Department of Human Services: 2
  - State Medicaid Agency: 4
  - Community Resource Centers: 1
  - Two Agencies based on the consumer's source of payment: 6
    - For example, one state designates Centers for Independent Living as the LCA for Medicaid-eligible individuals and the ADRC as the LCA for non-Medicaid eligible individuals
  - Not Applicable/No Response: 5
- To your knowledge, has the staff of long-term care facilities found the LCAs to be responsive to their referrals?
  - Very Responsive: 5
  - Somewhat Responsive: 6
  - Not Responsive: 2
  - Don't Know: 14
  - No Response: 4

- Additional Comments Regarding Information Dissemination/Communication:
  - One respondent claimed that this process has burdened Ombudsmen staff due to lack of proper training for nursing home staff and the managed care case managers.
  - Another respondent claimed that their LCAs and nursing home providers accuse each other of not providing proper follow through for cases and the Ombudsman program has to mediate these concerns and hold each party accountable for their responsibilities.
  
- Do you have reason to believe that you have seen an increase in complaints since MDS 3.0 was implemented on October 1, 2010?
  - Yes: 3            No: 18            Don't Know: 8            No Answer: 2
  
- Are you able to provide us with data about the increase in complaints?
  - Of the three respondents that said their complaints have increased one said they could gather specific information regarding the increase stating they've received several complaints from families and guardians about the Section Q process.
  
- Have you seen an increase in NORS code B-13: Access to information by resident or resident's representative - information regarding rights, benefits, services, and the resident's right to complain?
  - No, don't know or no response.
  
- Do you think the increase in complaints is the result of the implementation of MDS 3.0/Section Q?
  - No response.
  
- Have you seen an increase in NORS Code F-42: Resident Care - Care plan/resident assessment - inadequate, failure to follow plan or physician orders?
  - No, don't know or no response.
  
- Do you think the increase in complaints is the result of the implementation of MDS 3.0/Section Q?
  - One respondent stated "unlikely" and no one else provided a response.
  
- Have you seen an increase in NORS code O-115: State Medicaid Agency - Services?
  - One respondent said "yes," all other respondents either said "no," "don't know," or did not respond.
  
- Do you think the increase in complaints is the result of the implementation of MDS 3.0/Section Q?
  - The one respondent that said they had an increase in complaints regarding the State Medicaid Agency said that it was "very likely" due to the implementation of MDS 3.0/Section Q.
  
- Have you seen an increase in NORS code P-120: System/others - family conflict; interference
  - No, don't know or no response.
  
- Do you think the increase in complaints is the result of the implementation of MDS 3.0/Section Q?
  - No response.

- Have you seen an increase in NORS code P-128: System/others - request for less restrictive placement?
  - Two respondents said they had an increase in complaints regarding “system/others- request for less restrictive placement.”
- Do you think the increase in complaints is the result of the implementation of MDS 3.0/Section Q?
  - One respondent claimed the increase was “very likely” and the other stated it was “likely” due to the implementation of MDS 3.0/Section Q.
- Additional Comments Regarding Complaints:
  - One respondent said several residents and family members were frustrated that the hope of returning home was given to them during this process, but the appropriate resources in the community were not available or they were placed on a waiting list for services.
- Do you have reason to believe that you have seen an increase in demand for other ombudsman activities since MDS 3.0 was implemented on October 1, 2010?
  - Yes: 5            No: 17            Don't Know: 7            No Response: 2
- Are you able to provide us with data about the increase in the demand for other ombudsman activities?
  - Three respondents said they could provide data regarding demand for other ombudsman activities.
- If yes, please provide us with specific information:
  - Two respondents said the demand for services has increased, but they did not have data readily available. One of those two respondents claimed that in general volunteer ombudsmen spend more time speaking with residents and families about the possibility of returning to the community where prior to the implementation of MDS 3.0/Section Q they would wait for a resident to initiate the conversation before discussing the process. The other respondent said ombudsmen are responding to general questions, following through with a referral or in rare cases they are asked to stop a referral that was submitted to the LCA.
  - One of the respondents said the majority of their inquiries regarding the Section Q process come from facility staff.
  - Another respondent said their ombudsman program provided the following services related to the Section Q process (between 10/1/2010 and 11/17/2010):
    - 2 trainings for facility staff
    - 36 consultations to facilities/providers
    - 33 consultations to individuals
    - 8 resident visitations
    - 4 community education sessions
- Have you seen an increase in the demand for work with resident councils?
  - No: 5            No Response: 26
- Do you think the increase in demand for work with resident councils is the result of the implementation of MDS 3.0/Section Q?
  - No Response.

- Have you seen an increase in the demand for work with family councils?
  - No: 5                      No Response: 26
  
- Do you think the increase in demand for work with family councils is the result of the implementation of MDS 3.0/Section Q?
  - No Response.
  
- Have you seen an increase in the demand for facility staff trainings?
  - Yes: 1                      No: 4                      No Response: 26
  
- Do you think the increase in demand for facility staff trainings is the result of the implementation of MDS 3.0/Section Q?
  - Yes, very likely.
  
- Have you see an increase in the demand for consultations to facilities?
  - Yes: 3                      No: 2                      No Response: 26
  
- Do you think the increase in demand for consultations to facilities is the result of the implementation of MDS 3.0/Section Q?
  - Very Likely: 2                      Likely: 1
  
- Have you seen an increase in demand for information/consultations to individuals?
  - Yes: 3                      No: 2                      No Response: 26
  
- Do you think the increase in demand for information/consultations to individuals is the result of the implementation of MDS 3.0/Section Q?
  - Very Likely: 2                      Likely: 1
  
- Additional Comments Regarding Other Ombudsman Activities:
  - Most State Ombudsmen anticipate an increase in Section Q related activities as residents, families and facilities become more familiar with the process or their process is identified (i.e. at the time of this survey multiple states still did not have designated LCAs).
  - One respondent stated that the local Ombudsmen were concerned that their host agency may give them more responsibilities related to Section Q in addition to their current duties.
  - One State Ombudsmen said most of those calls were from nursing facility staff with specific questions such as discussing community options with residents with dementia or with residents whose anxiety about going home may escalate dramatically due to this discussion.
  
- Please provide us with information regarding any additional problems or issues that you have encountered related to the implementation of MDS 3.0/Section Q:
  - Several states have not identified their LCAs or did so slowly, impacting effective outreach regarding the Section Q process.
  - One respondent mentioned concern for availability of community resources due to recent budget cuts in community services.
  - One state with an established Money Follows the Person program was not prepared to handle referrals for non-Medicaid eligible individuals. The state is seeking solutions for this need including the possibility of designating certain ADRCs to respond to referrals for non-Medicaid eligible individuals.

- The Medicaid agency in one state that contracts with managed care organizations to provide case management for individuals transferring to the community feels that complaints should be handled by those case managers.
- At the time of this survey, one state's designated LCA had a recorded message for callers requesting Section Q information and did not allow callers to leave a message to request a return call.