

Definitions

What is a Case?

Activity Specific Questions

Definitions

- I. A **case** is comprised of a complainant, complaint code(s), a perpetrator for A-Abuse/Neglect and Exploitation codes, a setting, verification, resolution, and information regarding whether a complaint was referred to another agency.
 - a. Each **case** must have a minimum of one complaint.
- II. A **complaint** is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.
- III. A **complainant** is an individual (i.e., resident, resident representative/friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.
- IV. **Information and assistance** is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.
 - a. Information and assistance may be provided through various means, including but not limited to telephone, by written correspondence such as e-mail, or in person.
 - b. It does not involve investigating and working to resolve complaints. The resident (or resident representative, where applicable) has not provided direction and consent to investigate a complaint.
 - c. Directing an individual to contact another agency for assistance does not constitute a case.

What is a Case?

1. **Question:** A nursing home resident, Paula, calls to obtain information about her right to form a resident council. You share information with Paula over the phone about her rights. Paula says she has everything she needs, and does not need further involvement from the Ombudsman. She does ask that you call her daughter, however, and repeat the information you shared with her. You call the daughter and share the same information.

Is this a case? (Circle answer)

- A. Yes
B. No

Answer Explanation: **No, this is not a case.** This is two information and assistance (I&A). One to Paula and one to her daughter.

- **Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.**

- **Information and assistance may be provided through various means, including but not limited to telephone, by written correspondence such as e-mail, or in person.**

2. Question: An assisted living facility resident, Sam, calls you. Sam has trouble hearing you over the phone and asks if you can meet her at the facility to talk about the activities offered in her building. You visit Sam, and she obtains information from you about her rights regarding activities. She thanks you for visiting, and says she does not want your further involvement by the Ombudsman.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: **No, this is not a case. This is one I&A.** You provided Sam information on services in-person during a routine access visit.

3. Question: An assisted living facility resident, Sam, calls you to talk about the activities offered in her building. She has concerns about the lack of activities offered, has made a complaint to the facility, and has not received any response. She asks you to come visit and assist her with obtaining more activities. You visit her in person and begin investigating her complaint. Sam then changes her mind and no longer wants your involvement.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: **Yes, this is a case.** This is a case, however, the resident directs the ombudsman to stop action on the complaint. The Ombudsman received clear direction from the resident to investigate and resolve. She changed her mind, and the case would be closed as “withdrawn or no action needed”.

Each complaint can have only one disposition.

- **Partially or fully resolved to the satisfaction of the resident, resident representative, or complainant.**
- **Withdrawn or no action needed by the resident, resident representative, or complainant.**
- **Not resolved to the satisfaction of the resident, resident representative, or complainant. The complaint was not addressed to the resident’s satisfaction.**

4. Question: A nursing home resident, Jason, speaks to you in his room and asks for investigation into a complaint about medication errors. You begin the investigation that same day, asking some questions of the facility. Before you leave the facility, you follow up with Jason. He figured out the issue and no longer needs your involvement. Is this a case?

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: **Yes, this is a case.** This would be the same answer as question number 3.

This is a case where the ombudsman was requested to provide investigation and resolution. The resident then directs the ombudsman to stop action on the complaint. The case would be closed as “withdrawn or no action needed.”

Each complaint can have only one disposition.

- *Partially or fully resolved to the satisfaction of the resident, resident representative, or complainant.*
- *Withdrawn or no action needed by the resident, resident representative, or complainant.*
- *Not resolved to the satisfaction of the resident, resident representative, or complainant. The complaint was not addressed to the resident's satisfaction.*

5. Question: An assisted living facility RN, Tammy, calls you to request assistance with a resident whose family member may be causing problems for the resident. Tammy asks you to visit the resident. Upon meeting with and speaking with the resident, your investigation reveals no problems with the family member or concerns from the resident. The resident does not want your further involvement.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: Yes, this is a case with one complaint and one complainant.

The facility RN would be the complainant. The circumstances described by the RN are not accurate and the complaint is not verified. There is nothing more for the Ombudsman can do because the investigation revealed no problems and that the resident does not want further action. The case is closed as "withdrawn or no action taken."

- *The complaints must be made by or on behalf of one or more residents and the complaint(s) must be related to the health, safety, welfare, or rights of the residents.*
- *Each complaint requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.*

Each complaint can have only one disposition.

- *Partially or fully resolved to the satisfaction of the resident, resident representative, or complainant.*
- *Withdrawn or no action needed by the resident, resident representative, or complainant.*
- *Not resolved to the satisfaction of the resident, resident representative, or complainant. The complaint was not addressed to the resident's satisfaction.*

6. Question: Sarah, the daughter of nursing home resident Maisie, calls you and complains that Maisie's call light is not responded to quickly enough. You visit Maisie, who adamantly disagrees with the complaint and says she loves the staff and they always respond quickly. She says she does not want your involvement. You take no further action.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: Yes, this is a case with one complaint and one complainant. (Similar to question number 5)

The resident's daughter would be the complainant. After talking with the resident, the Ombudsman finds that there is no basis for the complaint. The resident can give direction and she does not share her daughter's concerns about call lights. It is clear that no action is needed or appropriate. The case is closed as "withdrawn or no action taken."

- *A case is comprised of a complainant, complaint code(s), a perpetrator for A-Abuse/Neglect and Exploitation codes, a setting, verification, resolution, and information regarding whether a complaint was referred to another agency.*
- *Each case must have a minimum of one complaint.*
- *A complaint is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.*
- *A complainant is an individual (i.e., resident, resident representative/friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.*

Each complaint can have only one disposition:

- *Partially or fully resolved to the satisfaction of the resident, resident representative, or complainant.*
- *Withdrawn or no action needed by the resident, resident representative, or complainant.*
- *Not resolved to the satisfaction of the resident, resident representative, or complainant. The complaint was not addressed to the resident's satisfaction.*

7. Question: During a nursing home visit, a resident, Dan, complains that no one has been answering his call light that morning. Dan has asked for your assistance to obtain a better response time. You ask questions of staff, an investigation is conducted, and staff discover that his call light is broken. Staff work to repair Dan's call light. You check back in with Dan and he reports no further problems now that his call light has been fixed and is being answered.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: **Yes, this would be a case.** There is a difference between an Ombudsman responding to a concern and an Ombudsman facilitating communication between the resident and the staff. If the Ombudsman is simply the messenger, as in "Would you ask someone to get me some water?" then it is not a complaint. Relaying the message does not require investigation, a plan for resolution, and follow-up. However, in this instance, there is a problem which requires action, resolution, and follow-up so it is a complaint. The Ombudsman is doing more than just relaying a message.

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8. Question: During a visit, regional ombudsman Ann notices that many of the residents in a dining room do not have utensils and as they wait for their utensils, their food is getting cold. Ann has never noticed this happen before but is very concerned. Ann approaches facility staff about the issue is seeing. The staff quickly take action and get all residents their utensils. The staff thank Ann for bringing this to their attention.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: Yes, this is a case. The Ombudsman program would be the complainant.

- *A case is comprised of a complainant, complaint code(s), a perpetrator for A-Abuse/Neglect and Exploitation codes, a setting, verification, resolution, and information regarding whether a complaint was referred to another agency.*
- *Each case must have a minimum of one complaint.*
- *A complaint is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.*
- *A complainant is an individual (i.e., resident, resident representative/friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.*

9. Question: During a routine visit, regional ombudsman Jamie notices that a facility's roof is leaking. Water is now visible in some resident rooms. No resident has complained about the roof; nonetheless, Jamie approaches the facility to work toward resolution of the issue.

Is this a case? (Circle answer)

- A. Yes
- B. No

Answer Explanation: Yes, this is a case with one complaint. The Ombudsman program is the complainant. The Ombudsman has observed numerous residents who are and could be affected by the problem.

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- *Each case must have a minimum of one complaint.*
- *A complaint is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.*
- *A complainant is an individual (i.e., resident, resident representative/friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.*

10. Question: A nursing home resident, Jane, complained to you of medication errors. Jane never requested that you investigate, but she shows you information that highly suggests medication errors. Jane does not want a case opened on her behalf, declines investigation, and plans to move out. You have no indication that anyone else has experienced medication errors.

May you open a systemic case regarding medication errors?

A. Yes

B. No

Answer Explanation: **No, you would not open a systemic case.** Jane, as the resident, needs to provide consent to investigate. Since you believe this to be an isolated incident, and have no indication that others are experiencing medication errors, you would not have reason to open a case with the Ombudsman as the complainant.

11. Question: Same situation as #10, but this time, you have indications that there is a policy and practice of the facility that is causing the medication errors and may be affecting multiple residents.

May you open a systemic case regarding medication errors, as long as you do not violate Jane's right to confidentiality?

A. Yes

B. No

Answer Explanation: **Yes, you would open a systemic case.** Although the resident is not asking for resolution, you see this to be a systemic issue due to the facility's policy and practice. This would be a case with the Ombudsman as the complainant.

- *A case is comprised of a complainant, complaint code(s), a perpetrator for A-Abuse/Neglect and Exploitation codes, a setting, verification, resolution, and information regarding whether a complaint was referred to another agency.*
- *Each case must have a minimum of one complaint.*
- *A complaint is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility.*
- *A complainant is an individual (i.e., resident, resident representative/friend/family, facility staff) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.*

Activity-Specific Questions

12. Question: During a facility visit, a regional ombudsman says hello to a resident in the hallway. The ombudsman and resident proceed to talk for the next 10 minutes about the recent winter storms and the resident's grandchildren. After their discussion, the regional ombudsman continues on.

Is this an "information and assistance" activity?

A. Yes

B. No

Answer Explanation: **No, this not an information and assistance.** It is valuable for Ombudsman staff and volunteers to build relationships with residents, resident's family, and staff, but this does not meet the definition of an "information and assistance."

- ***Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.***

13. Question: A regional ombudsman, Sally, sits down in a nursing home dining room with a resident. Upon inquiry, the resident indicates she is very happy with the food and the care, and Sally responds that this is important because she has the right to good care and quality food. Sally continues to tell the resident more information about the ombudsman program and the resident's right to access the ombudsman program.

Is this an "information and assistance" activity?

- A. Yes
- B. No

Answer Explanation: Yes, this is an "information and assistance." In addition to general conversation, Sally was able to provide this resident with information on their rights and the services of the ombudsman.

- ***Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.***

14. Question: A resident calls regional ombudsman Heather to ask if she has the right to form a resident council at her assisted living facility. Heather provides the resident with information about her rights. The resident says she might want Heather's further involvement later, but not at this time.

Should Heather enter this as an "information and assistance" activity?

- A. Yes
- B. No

Answer Explanation: Yes, this is an "information and assistance." The resident did not want any further action from the ombudsman and no case would be open.

- ***Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.***
- ***It does not involve investigating and working to resolve complaints. The resident (or resident representative, where applicable) has not provided direction and consent to investigate a complaint.***

15. Question: Same scenario as #14, but this time, the resident also asks Heather to follow up and provide the same resident rights information to her daughter. Heather calls the daughter and repeats the information.

Which activities should Heather enter?

- A. Two information and assistances
- B. One Information and assistance

Answer Explanation: Same as the answer from #14 but this scenario has **two information and assistances**. The first information and assistance is to the resident. The second information and assistance would be to the resident's daughter.

- *Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.*
- *Information and assistance may be provided through various means, including but not limited to telephone, by written correspondence such as e-mail, or in person.*
- *It does not involve investigating and working to resolve complaints. The resident (or resident representative, where applicable) has not provided direction and consent to investigate a complaint.*

16. Question: Regional ombudsman Aisha visits a nursing home. While at the nursing home, Aisha walks the nursing home halls observing staff and looking for any facility issues or concerns. As Aisha walks the halls, she knocks and enters the rooms of 3 residents, informing them about the ombudsman program, resident rights, and asking them about any concerns they may have.

Which activities should Aisha enter?

- A. 3 "information and assistance" and 1 routine access visit
- B. 1 routine access visit

Answer Explanation: Aisha is conducting routine access and would be documented as **1 routine access visit**. Her observation of the facility and staff is documented at the facility visit level. Aisha also provided **3 information and assistance** when she knocked and visited with the 3 residents. During her visit with the residents, she discussed both the ombudsman program and resident rights. She asked if the residents had any concerns but there was nothing to be reported, therefore, no further action was needed.

- *Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.*
- *Information and assistance may be provided through various means, including but not limited to telephone, by written correspondence such as e-mail, or in person.*
- *It does not involve investigating and working to resolve complaints. The resident (or resident representative, where applicable) has not provided direction and consent to investigate a complaint.*

Routine access visit: Visit to a facility that is not in response to a complaint.

- *Examples of activity include: visiting with residents on different halls and floors, visiting with resident council leaders outside of a council meeting, or introducing yourself to family, friends, and other visitors and explaining the role of the ombudsman program.*

17. Question: Regional ombudsman Cheryl shares pre-survey information with an assisted living surveyor over the phone. Later, she visits the facility during the survey and provides more information to the surveyor.

Which activities should Cheryl enter?

- A. Two activities under “participation in facility surveys”—one activity for providing pre-survey information and one activity for participating in the onsite survey
- B. One activity under “participation in facility surveys”

Answer Explanation: This would **two activities under “participation in facility surveys.”** Each distinct type of survey activity needs to be reported as one instance by facility type.

- *Report the total number of instances of survey activity by representatives of the Office. Example: Include participation in both standard surveys and complaint surveys. Survey participation includes but is not limited to pre-survey information to surveyors, sharing complaint summary reports, participation in exit conferences and informal dispute resolution. It must be a whole number.*
- *You may have more than one survey participation activity associated with one survey in one facility.*

18. Question: Regional ombudsman Cheryl visits a facility during a survey to meet with the surveyors and to conduct only survey-related activity.

Which activities should Cheryl enter?

- A. One activity: “participation in facility surveys”
- B. Two activities: “participation in facility surveys” and “routine access visit”

Answer Explanation: **One activity: participation in facility surveys.** If you visit a facility only to participate in a survey, do not enter a separate activity for the visit. However, if you conduct other activity while at the facility, separately count the visit and all activities.

- *Participation in both standard surveys and complaint surveys. This activity includes but is not limited to providing pre-survey information to surveyors, sharing complaint summary reports, participating in exit conferences, and participating in informal dispute resolution. Do not count time preparing for a survey on your own (for example, reviewing prior survey activities online) under this activity.*

19. Question: Same scenario as #18, but this time, Cheryl also looks around the facility for active issues and discusses resident rights and the ombudsman program with a resident separate from the survey.

Which activities should Cheryl enter?

- A. One activity: “participation in facility surveys”
- B. Three activities: “participation in facility surveys,” “routine access visit,” and one “information and assistance”

Answer Explanation: **Three activities: “participation in facility surveys,” “routine access visit,” and “information and assistance.”** Since the ombudsman conducted other activities outside the participation in facility survey, a routine access visit would also need to be documented.

- *Participation in both standard surveys and complaint surveys. This activity includes but is not limited to providing pre-survey information to surveyors, sharing complaint summary reports, participating in exit conferences, and participating in informal dispute resolution.*
- *Information and assistance is providing information to an individual or facility staff about issues impacting residents (e.g., resident rights, care issues, services) and/or sharing information about accessing services without opening a case and working to resolve a complaint.*

20. Question: Regional ombudsman Genevieve spends the morning staffing a booth during a health fair providing information about the ombudsman program. In the afternoon, Genevieve makes a presentation on long-term care facilities and residents' rights for the same event.

Which activities should Genevieve enter?

- A. Two activities: under "provide community education"
- B. One activity: under "provide community education"

Answer Explanation: **Two activities: under "provide community education."** Each instance of community education outreach by the ombudsman program needs to be reported to NORS.

- *This code is used for attendance at health fairs, community events, general presentations, etc.*
- *The number of individuals attending the community education event is not collected in NORS.*
- *If a community education session is provided by distance learning (such as a webinar, on-demand course, or conference call) there must be a way to track that participants completed the session in order to report it as a session in NORS. In other words, a state needs to be able to verify that at least one person attended and completed the distance learning in order to report the community education session.*
- *Newsletters, blogs, and other forms of media do not count as community education.*
- *If more than one ombudsman participates in the same community education event, it counts as one instance.*

21. Question: Regional ombudsman Sylvia conducts an in-service training to staff at a nursing facility. To make the training available to all staff, Sylvia presents the training at two different times during the day.

Which activities should Sylvia enter?

- A. One activity: under "provide training sessions to facility staff "
- B. Two activities: under "provide training sessions to facility staff "

Answer Explanation: The ombudsman provided two separate training session and would document **Two activities: under "provide training sessions to facility staff."** This code is used for training sessions provided by representatives of OOLTC to facility staff. Training may be in person or web-based and typically includes an agenda and learning outcome(s).

- *If a community education session is provided by distance learning (such as a webinar, on-demand course, or conference call) there must be a way to track that participants completed the session in order to report it as a session in NORS. In other words, a state needs to be able to verify that at least one person attended and completed the distance learning in order to report the community education session.*
- *For training sessions provided by ombudsman to facility staff, report the number of sessions conducted and the type of facility based on the facility affiliation of the most of the participants for each session.*