

# INTRODUCTION TO THE REVISED NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)

February 5, 2019

Speakers -

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## **Agenda**

- NORS background
  - What is NORS?
  - NORS and the Older Americans Act
  - Brief history
- NORS significant changes
- Overview of NORS Tables
- Training outline and dates
- Questions

### **Poll Question – What is NORS?**

Choose the correct answer:

- a) Naturally Occurring Retirement System
- b) National Ombudsman Resource Service
- c) National Ombudsman Reporting System

### **Poll Question – What is NORS?**

#### The answer is:

- a) Naturally Occurring Retirement System
- b) National Ombudsman Resource Service
- National Ombudsman Reporting System

## **Older Americans Act Requirements\***

The State agency shall establish a statewide uniform reporting system to -

- collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and
- submit the data, on a regular basis, to— (A) the agency of the State responsible for licensing or certifying long-term care facilities in the State; (B) other State and Federal entities that the Ombudsman determines to be appropriate; (C) the Assistant Secretary; and (D) the National Ombudsman Resource Center established in section 202(a)(21).

## National Ombudsman Reporting System (NORS)

- Data elements that LTC
   Ombudsmen are required to collect Sec 712(h) (1)-(3)(b)
- Cases, Complaints
- Types of Complaints and outcome (resolution)
- Consultation
- Funds Expended and sources

- Staff FTE
- Numbers of Volunteers and hours
- Activities: Training, noncomplaint visits, resident and family councils
- Systems issues & Legal (narrative)

## What is Changing?

- The data collection, NORS, is changing. NORS is not going away – it's just been revised!
- 2. The data reporting tool (software) that state Ombudsmen use to report their NORS data is changing and with that comes specific technology requirements in order to complete the report.

## Why Revise NORS?

To address past criticisms\* regarding inconsistencies across states and implement recommendations to:

- increase reliability and accuracy of the data,
- simplify codes and number of data elements,
- streamline reporting by states and
- reduce manual entry to avoid errors in complaint and activity data.

### **Revised NORS Goals**

Enhance ACL's ability to understand and report on:

- LTCO program operations,
- experience of long-term care facility residents, and
- changes in long-term supports and services policies, research, and practices.

### **Revised NORS Goals**

 Example: ACL would be able to analyze resolution by type of complaint:

Complaint Category	Complaints	Verified	% Verified	Resolved	% Resolved (verified)
Abuse& Neglect, Exploit	165	57	35%	44	77%
Transfer/Discharge	373	329	88%	283	86%
Care	668	564	84%	526	93%

### **How is NORS Data Used?**



**Budget justification** 



To inform policy at the federal, state, and local level.



Respond to media inquiries.

- Consumer Reports Ombudsman program data show complaints about assisted living have risen 10 percent in recent years (10/2018)
- <u>CNN</u> sexual assaults in nursing homes cited NORS data (2/2017)
- NPR on inappropriate transfers and evictions (2/2016)

## 5 Steps for Choosing the Right Assisted Living Community

Here's how to navigate rising prices and caregiving shortfalls



POLICY-ISH

Nursing Home Evictions Strand The Disabled In Costly Hospitals

February 25, 2016 · 4:46 AM ET Heard on Morning Edition

## **Brief History - Work Involved to Revise NORS**

#### 1996 car



#### **NORS Timeline**

 1996 NORS implemented with minor revisions over the years

#### **Recommendations to improve NORS:**

- 1999 Office of Inspector General report
- 2002 Bader Foundation report
- 2003 Workgroup to Improve NORS Consistency (WINC)

# Brief History – Work Involved to Revise NORS

2019 car



#### **Revised NORS**

- "NORS Next" workgroup
- NORC Revised NORS Training Workgroup
- Pilot testing of Older Americans Act Performance System (OAAPS)
  - AK, CA, KS, LA, MS, MN, OH, SC, NORC and ACL

### **Poll Question**

 Do you provide training to representatives of the Office on using NORS codes and definitions?

- Yes
- No

## Significant Changes in the Revised NORS

### **Current and Revised NORS**

#### **Instructions and Complaint Codes**

OMB NO: 0985-0005 EXPIRATION DATE: 01/31/2019

Instructions for Completing the State
Long Term Care Ombudsman Program Reporting Form for
The National Ombudsman Reporting System (NORS)

#### Part I - Cases, Complainants and Complaints

In the NORS system, a case is equivalent to a complainant or a specific group of complainants.

Definition of case: each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.

Calls reporting incidents or seeking advice but not requiring ombudsman involvement to the degree specified in this definition should be counted as consultations to individuals or facilities in Part III. D, or recorded in some way specific to the state's needs but not included in the NORS complaint system. For example, in those few states where state law requires reporting instances of mursing home abuse to the ombudsman program, the reports should not be counted as a case and as an abuse complaint unless the ombudsman program investigates and is actively involved in working out a resolution. Unless the ombudsman program is actively engaged in investigating and working to resolve the problems reported, the program should keep its own list of such reports and not include them in the data submitted in the NORS system.

#### A. Cases Opened

Provide the total number of cases opened during the reporting period. Use definition of case provided on the form and above. (Note: This is a free-standing number used to show the volume of cases on an annual basis. The NORS system does not require reconciliation between the number of cases opened and the number of cases opened and the number of cases.)

#### B. Complainants/Cases Closed

A case is equivalent to a complainant, and the number of complainants will equal the number of cases filed.

For all cases closed during the reporting period, provide the number of complainants, by type of facility/setting. Refer to discussion of type of facility or other setting under D.1. below.

Definition of case closed: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code.

A case is closed when all complaints which are part of the case have been resolved and/or no further ombudsman action can be taken for reasons listed in Part I, E.2, "Complaint Disposition." (A word about the definition of closed cases: Ombudsmen sometimes must refer complaints to

OMB NO: 0985-0005 EXPIRATION DATE: 01/31/2019

#### Long-Term Care Ombudsman Program Complaint Codes

A complaint is about a problem of commission or omission.

Each case may have more than one complaint. However each problem will have only one code. Use only one category for each type of problem (i.e., do not check both A.3 and D.26 for the same staff behavior - determine which category is most appropriate to the particular problem).

#### Residents' Rights

#### A. Abuse, Gross Neglect, Exploitation

Use categories in this section only for serious complaints of willful mistreatment of residents by facility staff, management, other residents (use category 6) or unknown or outside individuals who have gained access to the resident through negligence or lax security on the part of the facility or for neglect which is so severe that it constitutes abuse. Use P.117 and P.121 for complaints of abuse, neglect, exploitation by family members, friends and others whose actions the facility could not reasonably be expected to oversee or regulate.

For all categories in this part, use the broad definitions of abuse, neglect and exploitation in the Older Americans Act, which is almost identical to that in regulations for nursing homes participating in the Medicare and Medicaid programs (42 CFR 488.301):

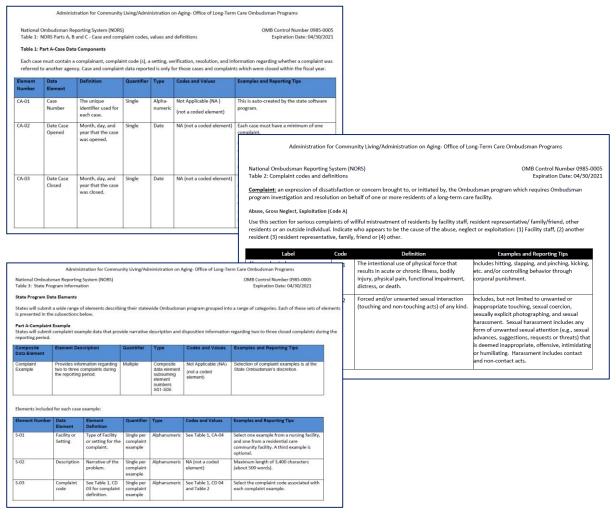
The term abuse means the willful (A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness. (Older Americans Act, Section 102 [13])

The term (financial) exploitation means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit or gain. (Older Americans Act, Section 1021-41)

In addition to the above broad definitions, use the definitions for specific categories below from the Centers for Medicare and Medicaid Services (CMS) Interpretive Guidelines, section 483.13(b) and (c). The guidelines are available at <a href="https://www.cms.hhs.gov/manuals/Downloads/som107ap">https://www.cms.hhs.gov/manuals/Downloads/som107ap</a> pp guidelines Itcf.pdf See page 61 and surveyor guidance at deficiency tags F223 to F226.

#### **Revised NORS Tables**



### **Revised NORS Tables**

The revised NORS has three distinct Data Collection Tables.

Table 1 – Case Data Components

Table 2 – Complaint Codes and Definitions

Table 3 – State Program Information

## **Table 1 Case Data Components**

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

National Ombudsman Reporting System (NORS)

Table 1: NORS Parts A, B and C - Case and complaint codes, values and definitions

#### Table 1: Part A-Case Data Components

Each case must contain a complainant, complaint code (s), a setting, verification, resolution, and information regarding whether a complaint was referred to another agency. Case and complaint data reported is only for those cases and complaints which were closed within the fiscal year.

Element Number	Data Element	Definition	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
CA-01	Case Number	The unique identifier used for each case.	Single	Alpha- numeric	Not Applicable (NA ) (not a coded element)	This is auto-created by the state software program.
CA-02	Date Case Opened	Month, day, and year that the case was opened.	Single	Date	NA (not a coded element)	Each case must have a minimum of one complaint.  Each case must have only one case open date.  The case opened date must be on or before the case closed date.
CA-03	Date Case Closed	Month, day, and year that the case was closed.	Single	Date	NA (not a coded element)	The year of case closure must be in the associated reporting period.  Each case must have only one case closed date.  The case closed date must be on or after the case open date.

## **Table 1 Highlights**

- Case Data Components:
  - Date case & complaint opened and closed
  - Facility or setting
  - Complainant
  - Complaints (one or more)
  - Perpetrator
  - Referral agency
  - Verification
  - Disposition

## **Table 1 – Case Data Components**

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

National Ombudsman Reporting System (NORS)

Table 1: NORS Parts A, B and C - Case and complaint codes, values and definitions

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

#### **Table 1: Part A-Case Data Components**

Each case must contain a complainant, complaint code (s), a setting, verification, resolution, and information regarding whether a complaint was referred to another agency. Case and complaint data reported is only for those cases and complaints which were closed within the fiscal year.



Element Data Definition Quantifier Type Codes and Values Example	es and Reporting Tips
Number Element	

## **Table 1 – Case Data Example**

Element Number	Data Element	Definition	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
CA-04	Facility or Setting	Type of facility or setting for the case.	Single	Alpha- numeric Code	01-Nursing Facility 02-Residential Care Community 99-Other setting	Only one setting is allowed for each case. See Part C definitions (Element Number CA- 04, Data Elements 01, 02 & 99).
CA-05	Complainant	Complainant: an individual (i.e., resident, resident representative, family) who requests Ombudsman program complaint investigation services regarding one or more complaints made by, or on behalf of, residents.	Single	Alpha- numeric Code	01. Resident 02. Resident representative, friend, family 03. Ombudsman program 04. Facility staff 05. Representative of other agency or program 06. Concerned person 07. Resident or family council 08. Unknown	See Part C definitions (Element Number CA- 05, Data Elements 01-08).  Only one complainant per case is allowed. Select the complainant type that best represents the complainant(s) for the case.

## Type of Facility or Setting

- Nursing Facility
- Residential Care Community (formerly Board & Care)
- Other Setting (formerly Other)

## **Referral Agency and Dispositions**

- Referral Agency
  - The agency (or agencies) to which a complaint was referred to as part of the Ombudsman program's plan of action for complaint resolution, i.e. state licensing and certification agency, APS, legal, etc.
- 3 disposition codes:
  - Fully or partially resolved
  - Withdrawn
  - Not resolved

### **Poll Question**

I have opened a new case. The resident is in a board and care facility. Which facility code should be used? Choose the correct answer.

- a) 01 Nursing Facility
- b) 02 Residential Care Community
- c) 03 Other Setting

### **Poll Question - Answer**

I have opened a new case. The resident is in a board and care facility. Which facility code should be used? Choose the correct answer.

- a) 01 Nursing Facility
- 02 Residential Care Community
- c) 03 Other Setting

## Table 2 – Complaint Codes and Definitions

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

National Ombudsman Reporting System (NORS)
Table 2: Complaint codes and definitions

<u>Complaint:</u> 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.

Abuse, Gross Neglect, Exploitation (Code A)

Use this section for serious complaints of willful mistreatment of residents by facility staff, resident representative/ family/friend, other residents or an outside individual. Indicate who appears to be the cause of the abuse, neglect or exploitation: (1) Facility staff, (2) another resident (3) resident representative, family, friend or (4) other.

Label	Code	Definition	Examples and Reporting Tips
Abuse: physical	A01	The intentional use of physical force that results in acute or chronic illness, bodily injury, physical pain, functional impairment, distress, or death.	Includes hitting, slapping, and pinching, kicking, etc. and/or controlling behavior through corporal punishment.
Abuse: sexual	A02	Forced and/or unwanted sexual interaction (touching and non-touching acts) of any kind.	Includes, but not limited to unwanted or inappropriate touching, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual harassment includes any form of unwanted sexual attention (e.g., sexual advances, suggestions, requests or threats) that is deemed inappropriate, offensive, intimidating or humiliating. Harassment includes contact and non-contact acts.

## **Table 2 Highlights**

- 59 complaint codes
- Complaint Code Categories A-L
  - Category A: complaints about abuse and you must select a perpetrator
  - Categories B J: complaints against the facility
  - Category K: complaints against other programs and agencies
  - Category L: complaints against others not associated with the facility
- Crosswalk B: Complaint Codes Old NORS to Revised NORS
  - https://acl.gov/sites/default/files/programs/2018-05/NORS%20Crosswalk%20B%2004\_30\_2021.pdf

## Table 2 – Complaint Codes and Definitions

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs



National Ombudsman Reporting System (NORS)

Table 2: Complaint codes and definitions

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

<u>Complaint:</u> 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.

#### Abuse, Gross Neglect, Exploitation (Code A)

Use this section for serious complaints of willful mistreatment of residents by facility staff, resident representative/ family/friend, other residents or an outside individual. Indicate who appears to be the cause of the abuse, neglect or exploitation: (1) Facility staff, (2) another resident (3) resident representative, family, friend or (4) other.

Label	Code	Definition	Examples and Reporting Tips
Abuse: physical	A01	results in acute or chronic illness, bodily	Includes hitting, slapping, and pinching, kicking, etc. and/or controlling behavior through corporal punishment.

## Table 2 – Complaint Codes and Definitions

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

National Ombudsman Reporting System (NORS)

Table 2: Complaint codes and definitions

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

<u>Complaint:</u> 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.

Abuse, Gross Neglect, Exploitation (Code A)

Use this section for serious complaints of willful mistreatment of residents by facility staff, resident representative/ family/friend, other residents or an outside individual. Indicate who appears to be the cause of the abuse, neglect or exploitation: (1) Facility staff, (2) another resident (3) resident representative, family, friend or (4) other.



## **Table 2 – Complaint Data Example**

Abuse, Gross Neglect, Exploitation (Code A) – Revised NORS

A01 Physical Abuse

A02 Sexual Abuse

A03 Psychological Abuse

A04 Financial Exploitation

A05 Gross Neglect

A6 and A7 no longer exist in the revised NORS

A6 Resident-to-resident physical or sexual abuse. (Identify the type of resident to resident abuse by selecting appropriate code(s) A01-A04 with resident as suspected perpetrator.)

A7 Not Used

## Why has perpetrator been added?

 In the current NORS, there is sometimes confusion and miscoding because there are duplicate codes that describe abuse.

#### This addition will:

- provide ACL with a better understanding of the types of abuse, neglect, and exploitation and the perpetrator;
- increase the information available about abuse; and
- improve the ability to analyze the data.

### **Poll Question**

A resident who lives in a nursing facility told a representative of the Office that a staff person hit her while in the shower.

Choose the correct answer for the perpetrator.

- a) 01 Facility Staff
- b) 02 Another Resident
- c) 03 Family, Resident Representative, Friend
- d) 04 Other

### **Poll Question**

A resident who lives in a nursing facility told a representative of the Office that a staff person hit her while in the shower.

Choose the correct answer for the perpetrator.

- a) 01 Facility Staff
- b) 02 Another Resident
- c) 03 Family, Resident Representative, Friend
- d) 04 Other

## Table 3 – State Program Information

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

National Ombudsman Reporting System (NORS)
Table 3: State Program Information

OMB Control Number 0985-0005 Expiration Date: 04/30/2021

#### State Program Data Elements

States will submit a wide range of elements describing their statewide Ombudsman program grouped into a range of categories. Each of these sets of elements is presented in the subsections below.

#### Part A-Complaint Example

States will submit complaint example data that provide narrative description and disposition information regarding two to three closed complaints during the reporting period.

Composite Data Element	Element Description	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
Complaint Example	Provides information regarding two to three complaints during the reporting period.	Multiple	Composite data element subsuming element numbers S01-S06	Not Applicable (NA) (not a coded element)	Selection of complaint examples is at the State Ombudsman's discretion.

Elements included for each case example:

Element Number	Data Element	Element Definition	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
S-01	Facility or Setting	Type of Facility or setting for the complaint.	Single per complaint example	Alphanumeric	See Table 1, CA-04	Select one example from a nursing facility, and one from a residential care community facility. A third example is optional.
S-02	Description	Narrative of the problem.	Single per complaint example	Alphanumeric	NA (not a coded element)	Maximum length of 3,400 characters (about 500 words).
S-03	Complaint code	See Table 1, CD 03 for complaint definition.	Single per complaint example	Alphanumeric	See Table 1, CD 04 and Table 2	Select the complaint code associated with each complaint example.

## **Table 3 Highlights**

- A. Complaint Example
- B. Systems Issues
- C. Organizational Structure
- D. Staff and volunteers
- E. Conflicts of Interest
- F. Funds expended
- G. Facilities and beds
- H. Ombudsman program activities

## Table 3 – State Program Information

Administration for Community Living/Administration on Aging- Office of Long-Term Care Ombudsman Programs

National Ombudsman Reporting System (NORS)

Table 3: State Program Information

OMB Control Number 0985-0005

Expiration Date: 04/30/2021

#### **State Program Data Elements**

States will submit a wide range of elements describing their statewide Ombudsman program grouped into a range of categories. Each of these sets of elements is presented in the subsections below.

#### Part A-Complaint Example

States will submit complaint example data that provide narrative description and disposition information regarding two to three closed complaints during the reporting period.



	Composite	Element Description	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
>	Data Element					

## H - Ombudsman program activities

- Ombudsman Program Training
- Training of Facility Staff (NF and RCC)
- Information and Assistance (facility and individuals)
- Visits
- Survey Participation
- Resident Council Participation
- Family Council Participation
- Community Education

## **Changes in Ombudsman Program Activities**

### Ombudsman program training

 Simplified - though your State Ombudsman may want you to continue to report training.

#### Activities

• Reported by facility type (SN or RCC), i.e. facility staff training, survey, work with resident or family councils, information and assistance, etc.

#### Visits

Report both complaint related visits and routine (or non-complaint) visits.

## Table 3 – Program Information Example - Visits

Element Number	Data Element	Element Description	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
S-56	Facilities visited: nursing facility	Total number of nursing facilities that received at least one visit by a representative of the Office during the reporting year, regardless of the purpose of the visit.	Single	Numeric	NA (not a coded element)	This is a count of the number of facilities that received a visit. For example 350 of the 350 nursing facilities in State A had at least one visit, regardless of purpose.  It must be a whole number.
S-57	Number of visits: nursing facility	Total number of nursing facility visits no matter the purpose of visit (complaint or non- complaint related) by representatives of the Office.	Single	Numeric	NA (not a coded element)	This is a count of the total number of visits; for example, there were 1500 visits made to the 350 nursing facilities in State A (both complaint and non-complaint.)  It must be a whole number.
S-58	Routine access: nursing facility	Total number of nursing facilities visited, not in response to a complaint, in all four quarters by representatives of the Office.	Single	Numeric	NA(not a coded element)	This count demonstrates routine access. For example, of the 350 nursing facilities in State A, 150 had a visit each quarter, not in response to a complaint.  It must be a whole number.

Element Number	Data Element	Element Description	Quantifier	Туре	Codes and Values	Examples and Reporting Tips
S-59	Facilities visited: residential care community	Total number of residential care communities that received at least one visit by a representative of the Office during the reporting year, regardless of the purpose of the visit.	Single	Numeric	NA (not a coded element)	This is a count of the number of facilities that received at least one visit. For example 700 of the 2000 residential care communities in State B had at least one visit during the reporting year, regardless of purpose.  It must be a whole number.
S-60	Number of visits: residential care community	Total number of residential care community facility visits no matter the purpose of visit (complaint or noncomplaint related) by representatives of the Office.	Single	Numeric	NA (not a coded element)	This is a count of the total number of visits; for example, there were 1400 visits made to the 700 residential care communities in State B (both complaint and non-complaint.)  It must be a whole number.
S-61	Routine access: residential care community	Total number of residential care community facilities visited, not in response to a complaint, in all four quarters by representatives of the Office.	Single	Numeric	NA (not a coded element)	This count demonstrates routine access. For example, of the 2000 residential care communities in State B, 200 had a visit each quarter, not in response to a complaint.  It must be a whole number.

## Start Using Revised NORS – October 1, 2019



## **NORS Training by NORC**

- Webinars will review the data elements with specific case examples to discuss. Training modules will be released prior to each webinar.
- Register for one webinar you are registered for the entire series.
- NORS Webinars 2019 3:00 4:30 p.m. ET
  - Part I: Case, Complaint, Complainant, Information and Assistance February 27
  - Part II: Coding Complaints March 19
  - Part III: Closing the Case April 30
  - Part IV: Activities May 29



## QUESTIONS?

## RESOURCES

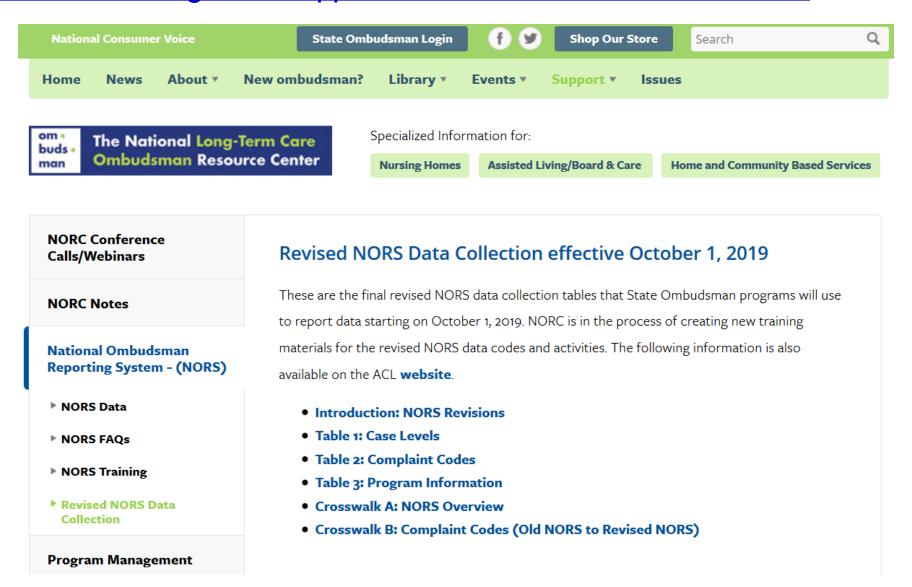
## NORS Instructions, Training, and Materials

https://ltcombudsman.org/omb\_support/nors



#### **Revised NORS Data Collection**

https://ltcombudsman.org/omb\_support/nors/revised-nors-data-collection



### **Contact Information**

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# The National Long-Term Care Ombudsman Resource Center

# The National Long-Term Care Ombudsman Resource Center (NORC)

www.ltcombudsman.org

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