

The National Long-Term Care Ombudsman Resource Center

NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS) TRAINING PART III:

VERIFICATION, DISPOSITION, REFERRAL, AND CLOSING CASES

Agenda

- Part III Training Materials
 - Verification, Disposition, Referral, and Closing Cases Basic Principles
 - Quiz
 - Quiz Answer Sheet
 - Closing the Case
- Quiz
- Questions and Answers
- Resources

NORS Training Part III:

Verification, Dispositions, Referrals, and Closing Cases

The four documents for the Part III NORS training materials are:

- Basic Principles
- Closing the Case
- Quiz
- Quiz Answer Sheet

https://ltcombudsman.org/omb_support/nors/nors-training

NOTE: The NORS codes and definitions used in these materials are taken from the ACL tables 1-3 and are not to be modified.

Basic Principles - Verification

 Verification is a confirmation that most or all facts alleged by the complainant are likely to be true.

•Each complaint must have a verification status, *verified* (01) or *not verified* (02).



Basic Principles - Verification

- Always attempt to determine the facts of complaints as part of the complaint investigation process.
- Investigate and work to resolve complaints on behalf of one or more residents
 for purposes of resolving the complaint to the resident's satisfaction and of
 protecting the health, welfare, and rights of the resident.
- Support and maximize resident participation in the process of resolving the complaint and follow the direction of the resident.
- Continue to work with the resident and resolve the complaint to their satisfaction, even when you cannot verify.

Basic Principles - Disposition

- Disposition is the final resolution or outcome of a complaint.
- You may perform many activities when resolving and investigating a complaint, but there is only one outcome.
- Each complaint must have a disposition code, whether the complaint is verified or not.



Basic Principles - Disposition

When choosing a disposition code always follow the direction of the resident.

If the resident cannot communicate his/her satisfaction, the Ombudsman may look to the resident's representative or to the complainant to determine if the resolution is consistent with the rights and interests of the resident.

Disposition Codes

01 partially or fully resolved

02 no action needed or withdrawn

03 not resolved

If the resident cannot communicate

Rely on the perspective of a resident representative so long as the Ombudsman has no reasonable cause to believe that the resident representative is not acting in the best interests of the resident.

If the resident does not have a resident representative, the Ombudsman shall determine the complaint disposition.

- See 1324.19(b)(2)(G)(5) of the LTCOP Rule.
- See 1324.19(b) (2)(G)(iii)(B) of the LTCOP Rule.

Basic Principles - 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.
- Every complaint must have a referral code.
- You may have more than one referral agency for a complaint.

Referral Agency Codes

01 Licensing, regulatory, or certification agency

02 Adult Protective Services

03 Law enforcement or prosecutor

04 Protection and advocacy

05 Legal services

06 No referral was made

99 Other

Basic Principles - Complaint and Case Closed

- Each case must have only one case closed date.
- Each complaint must have only one complaint closed date.
- Close the case after completion of actions on all complaints within the case and every complaint has a referral code, verification, and disposition code.



When Do You Select a Complaint Code?

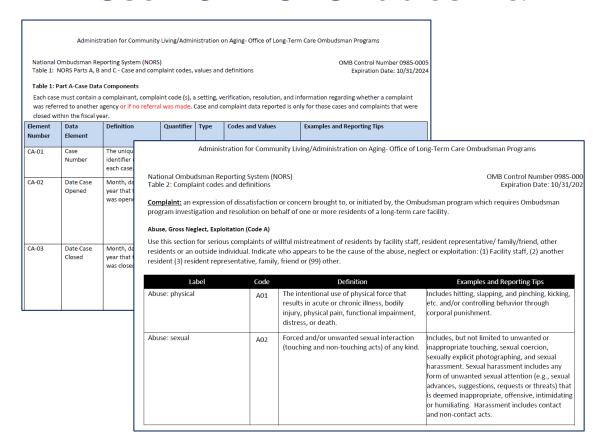


- A complaint is
 - "an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program investigation and resolution on behalf of one or more residents of a long-term care facility."
- Assign complaint codes at the time the complaint is received based on the problem or problems shared by a complainant.
- You may add complaint codes if other complaints are shared by the complainant while the case is open (or by a resident if the resident wasn't the original complainant).

QUESTIONS?

Part III Quiz Directions

Use ACL NORS Tables 1 & 2



Directions

For each of the scenarios identify:

- Complainant
- Complaint code(s)
- Verification
- Disposition
- Referral

For purposes of this training, assume that the resident gives consent to investigate if not otherwise indicated.

https://ltcombudsman.org/omb_support/nors/nors-training

A nursing facility resident complains the facility is keeping her money. "They're ripping me off," she states emphatically. You talk with the business office manager who tells you that the resident asked to have her own phone. She agreed to pay for the phone out of her Personal Needs Allowance (PNA).

She uses the balance of her PNA to have her hair done and purchase a few personal items.

You report back to the resident. She forgot that she was paying for the phone out of her PNA. She's glad you straightened things out. She really likes having the phone because she can keep in touch with her children and her friends.

The Complainant is the 01 Resident.

The Complaint Code is <u>E02 Personal Property</u>.

The Disposition is 01 Partially/Fully resolved.

There was no referral and is coded as <u>06 None (no referral made)</u>.

Question: Is the complaint verified?

Choose the correct answer.

01 Verified

02 Not Verified

Correct answer.

01 Verified

02 Not Verified

Ms. Douglas's son complains that the nursing facility is refusing to take his mother to the dining room for the lunch. He tells you that he has talked to the facility several times, but when he calls at noon his mother is always in her room eating her meal.

You visit Ms. Douglas and explain the call received from her son. She tells you that she likes to eat lunch in her room because it is quiet. It is the only time she gets to be alone. The aides always try to take her to the dining room at noon, but she tells them, "No."

She shares that she eats dinner in the dining room.

The Complainant is the <u>02 Family</u>.

The Complaint code is H-02 Dining and hydration.

The Complaint is <u>02 Not Verified</u>.

No referral was made and is coded as <u>06 None (no referral made)</u>.

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

03 Not resolved to the satisfaction of the resident, resident representative or complainant.

Choose the correct answer.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

03 Not resolved to the satisfaction of the resident, resident representative or complainant.

A resident's daughter complains that her dad is not allowed to have his cat in his room at his residential care community. You visit the resident at the facility and he says that his cat means everything to him, he wants to keep his cat with him in his room. You review the admission agreement and policies and find nothing in writing that limits pets living at the facility. He brought his cat with him when he was admitted months ago and now the administrator is saying that no pets are allowed. You speak to the administrator and try to work out a solution for the resident to have the cat in his room. The administrator states that other residents and staff are allergic to the cat. No pets are allowed in the building. You obtain consent from the resident to make a complaint to the licensing agency and the report comes back unsubstantiated. The resident and his daughter appreciate your advocacy. They begin searching for a pet friendly home.

The Complainant is <u>02 Family</u>.

The Complaint code is <u>D09 Other rights and preferences</u>.

The Complaint is <u>01 Verified</u>.

The Disposition is <u>03 Not resolved</u>.

Question: What is the referral agency code?

Choose the correct answer for the referral agency.

- 01 Licensing, regulatory, or certification agency
- 02 Adult Protective Services
- 04 Protection and advocacy
- 05 Legal services
- 06-No referral was made

Choose the correct answer for the referral agency.

- 01 Licensing, regulatory, or certification agency
- 02 Adult Protective Services
- 04 Protection and advocacy
- 05 Legal services
- 06-No referral was made

A resident tells you that an aide stole his family Bible. You speak to the aide and she explains that she put it in his top dresser drawer. It has a leather and gold cover and she put it away for safe keeping.

You tell the resident the Bible is in the dresser drawer. He explains that he still cannot get it because he is unable walk across the room and he would like to read it every morning.

You address the matter of the location of the Bible with the staff and the resident now has easy access to his Bible.

The Complainant is the <u>01 Resident</u>.

The Complaints are <u>E02 Personal property and D09 Other</u> rights and preferences.

The Disposition for both complaints is <u>01 Partially or fully</u> resolved.

A referral was not made, and the code is 06 No referral made.

Question: Were the complaints verified?

Choose the correct answer for verification.

E02 Personal property is Not Verified and D09 Other Rights and preferences is Verified.

E02 Personal property is Verified and D09 Other Rights and preferences is Verified.

Correct answer.

E02 Personal property is Not Verified and D09 Other Rights and preferences is Verified.

E02 Personal property is Verified and D09 Other Rights and preferences is Verified.

A person calls complaining that her friend, a nursing facility resident, needs to be moved to a room closer to the nurse's station because she feels isolated at the end of the hall. The friend has a health care durable power of attorney (DPOA) for the resident. The resident agrees that she would feel safer in one of the two rooms near the nurses.

You investigate and find that there are no empty beds in either of those rooms. The friend/DPOA insists that they move one of the other residents to make room for her. You visit the resident twice and she tells you she wants to forget the whole thing. Her current room is fine and all the commotion about moving is upsetting her.

The Complainant is <u>02 Resident Representative</u>.

The Complaint code is C-04 Room issues.

The Complaint is <u>01 Verified</u>.

A referral was not made, and the code is <u>06 None no referral</u> was made.

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

03 Not resolved to the satisfaction of the resident, resident representative or complainant.

Correct answer.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

03 Not resolved to the satisfaction of the resident, resident representative or complainant.

During a visit at a nursing facility, several residents tell you the food is often cold. You observe meal service and visit a few other residents who are also report the food is cold, so you open a case on behalf of the group of residents. You speak with dietary staff about the problem. Initially, the mealtime is adjusted to accommodate residents who are engaged in activities, but a few other residents still complain the food is cold.

You continue to work on the case. The Director of Food Services agrees to purchase new heating lamps and to increase staffing during peak dining times. The management follows through on ordering the equipment, but the staffing has not been increased. You check in with residents a few weeks later and all but one is satisfied with the improvements made.

The Complainant is <u>01 Resident</u>.

The Complaint code is <u>H01 Food services</u>.

The Complaint is <u>01 Verified</u>.

There was no Referral made and coded as <u>06 None</u>, no referral <u>made</u>

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

03 Not resolved to the satisfaction of the resident, resident representative or complainant.

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

The Resident Council President tells you that she thinks the Personal Needs Allowance (PNA) for residents receiving Medicaid is too low. At their invitation, you meet with the resident council and explain that the PNA is determined by the state legislature. The council asks for Ombudsman program assistance in advocating for an increased PNA. You, the state Ombudsman, and the Resident Council President meet by phone to discuss advocacy options. The resident council is satisfied that the Ombudsman program will seek legislative changes to increase the PNA.

The Complainant is the <u>07 Resident or family council.</u>

The Complaint is K02 Medicaid.

The Complaint is <u>01 Verified</u>.

There was no Referral made and coded as <u>06 None</u>, no referral <u>made</u>

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

A resident living in a residential care community complains that the home's provider will not let her go to the activity center each day as she has in the past. You investigate the complaint and discover that the activity center has reduced the number of days it is open each week. The resident was not aware the schedule was changed and is now attending the center each day it is open. The provider said that she told the resident about the schedule change but she must have forgotten. You and the provider discuss techniques to remind the resident such as keeping a calendar in her room with her activity center schedule and discuss other services in the community that the resident may be able to utilize. The resident agrees to talk to the home's provider and her caseworker about what she can do on the days the center is closed. You check back the next month and the resident reports that she is also attending a vocational program one day a week. She is happy with the new schedule.

The Complainant is <u>01 Resident</u>.

The Complaint is G01 Activities.

The Disposition is <u>01 Partially/Fully resolved</u>.

There was no Referral made and coded as <u>06 None</u>, no referral made.

Question: Was the Complaint Verified?

Choose the correct answer.

01 Verified

02 Not Verified

Correct answer.

01 Verified

02 Not Verified

A nursing facility resident who is receiving hospice services complains that he is in a lot of pain. He says the facility refused to contact his doctor about changing his pain medication. You ask the Director of Nursing to consult with the doctor.

She agrees and calls you the next day to report the doctor made a minor change in the medication dosage. You visit the resident, but he is asleep.

The nurse on duty relates that the resident has been much more comfortable. Three days later you visit the facility to see the resident again. The Director of Nursing tells you the resident died the night before.

The Complainant is <u>01 Resident</u>.

The Complaints are <u>F06 Access to health related services</u> and <u>F07 Symptoms unattended.</u>

Both Complaints are <u>01 Verified</u>.

The Disposition for F06 Access to health related services was <u>01</u> Partially/fully resolved.

There was no Referral made and coded as 06 None, no referral made.

Question: What is the disposition for F07 Symptoms unattended?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

A daughter calls complaining that her mother is not bathed as often as she should be, she does not go to the senior center very often, and she has to share a room at the residential care community (RCC).

You visit the resident and observe that her skin is very dry and she reports that she dislikes taking a bath more than a few times a month.

She has little interest in going to the senior center. She likes gardening and is outside in the garden when the weather is nice. She enjoys having a roommate. She is happy at the RCC and is aware her daughter is not satisfied with her care.

The Complainant is <u>02 Resident representative</u>, friend, family.

The Complaint codes are <u>C04 Room issues</u>, <u>F05 Personal</u> <u>hygiene</u>, and <u>G01 Activities</u>.

The Complaints are <u>02 Not Verified</u>.

There was no referral <u>06 None</u>, no referral was made.

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Bill is unhappy with his father's dining experience at the nursing facility. On a visit you observe all residents eating at cafeteria style tables and using plastic utensils. No one helps Bill's father cut his food or open his milk carton and he cannot give you direction.

You and Bill work with the facility to resolve the problem. The facility purchases round tables and different utensils. They schedule several in-services that focus on improving the dining experience for residents.

Bill is happy with these changes. Unfortunately, his father dies before all changes are implemented.

The Complainant is <u>02 Resident representative</u>, friend, family.

The Complaints are <u>H02 Dining and hydration and H01 Food</u> service.

Both Complaints are <u>01 Verified</u>.

A Referral was not made <u>06 None</u>, no referral made.

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Correct answer.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

A resident complains that only one alternative meal is offered at dinner. He would like at least two options. He would also like a big screen TV in the lounge closest to his room. You accompany the resident to help him share his concerns with the facility Administrator.

The facility refuses to purchase a TV with a larger screen. They maintain that the lounge near his room is too small a space and there is a big screen TV in another lounge area. The home agrees to have two alternative meals during the week, but it cannot offer two on weekends.

The resident is satisfied with alternative meals during the week, but, he is not happy about the TV.

The Complainant is <u>01 Resident</u>.

The Complaints are H01 Food Services and G01 Activities.

Both Complaints are <u>01 Verified</u>.

Complaint H01 Food Service is 01 Partially/Fully resolved.

A Referral was not made <u>06 None</u>, no referral made.

Question: What is the disposition for G01 Activities?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Correct answer.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

You notice a bad smell when visiting a residential care community (RCC). The RCC had plumbing problems in the past and the owner was slow to resolve them. The owner is on the phone so you cannot talk to him.

The residents are upset with the smell and believe the facility is at fault due to a backed-up toilet. They blame the owner of the RCC as the facility has had issues with plumbing multiple times in recent months. The staff person you talk with does not know what is causing the odor.

You open a complaint against the facility. Returning the next day, you learn that the city was repairing a gas line behind the home and ruptured a sewer pipe. You do not smell any odors. After speaking with residents and staff, none report a problem with the plumbing and are relieved that the smell is gone. You conclude the broken sewer line was the cause of the problem and close the complaint.

The Complainant is the <u>03 Ombudsman Program</u>.

The Complaint code is <u>I-01 Environment</u>.

The Disposition is <u>02 No action needed/Withdrawn</u>.

A Referral was not made 06 None, no referral made.

Question: Is the Complaint verified?

Choose the correct answer.

01 Verified

02 Not Verified

Correct answer.

01 Verified

02 Not Verified

A resident calls asking for your help in fighting a discharge notice. She says that if she is forced to move, it will be her third nursing facility in two years. She wants to stay where she is. You assist her in filing an appeal, review the discharge notice, and begin investigating the issues. The facility is not willing to review the resident assessment, care plan, or to discuss any other options. You know that the local legal services provider has represented other residents in the fair hearing process. The resident is eager to have you make a referral on her behalf when you tell her about the hearing process. You contact legal services and they agree to take the case. The hearing officer rules that the resident can remain in the nursing facility.

The Complainant is <u>01 Resident</u>.

The Complaint code is C03 Discharge or eviction.

The Complaint is <u>01 Verified</u>.

The Disposition if 01 Partially/fully resolved.

Question: To whom was the referral made?

Choose the correct answer.

- 01 Licensing, regulatory, or certification agency
- 02 Adult Protective Services
- 03 Law enforcement or prosecutor
- 04 Protection and advocacy
- 05 Legal services

Correct answer.

- 01 Licensing, regulatory, or certification agency
- 02 Adult Protective Services
- 03 Law enforcement or prosecutor
- 04 Protection and advocacy
- 05 Legal services

A resident calls to report that staff do not wash their hands prior to assisting her. With the resident's permission, you speak with the administrator and director of nursing (DON). They provide documentation of staff infection control training, posted reminders to staff about washing hands, and an adequate supply of hand washing supplies. In follow-up with the resident, she shares that it is primarily the staff on the night shift and that she has heard other residents share the same concern during Resident Council meetings. With the resident's permission you share this additional information with the administrator. A few days when you followup with the facility, the DON tells you that they did a spot check of night staff and observed staff not following infection control procedures. They retrained staff and have unannounced infection control checks for all staff regardless of shift. You report the information and action steps back to the resident. She reports on a follow-up call from the LTCOP that staff are wearing masks and washing their hands more often.

The Complainant is <u>01 Resident</u>.

The Complaint code is F13 Infection Control.

The Complaint is <u>01 Verified</u>.

A Referral was not made 06 None, no referral made.

Question: What is the Disposition?

Choose the correct answer for the disposition.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

02 No action needed or withdrawn by the resident, resident representative or complainant.

Correct answer.

01 Partially or fully resolved to the satisfaction of the resident, resident representative or complainant.

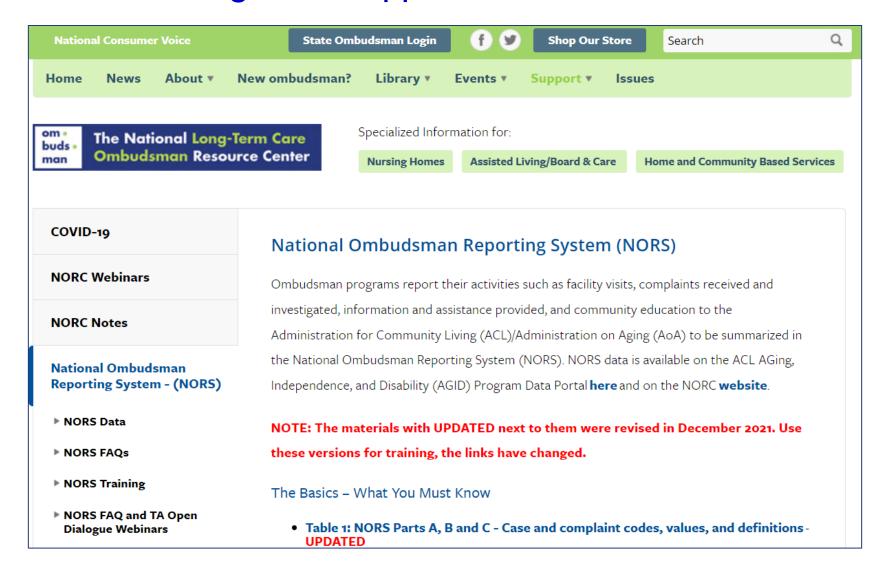
02 No action needed or withdrawn by the resident, resident representative or complainant.

QUESTIONS?

RESOURCES

NORS Instructions, Training, and Materials

https://ltcombudsman.org/omb_support/nors





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