ASKED AND ANSWERED:

FREQUENTLY ASKED QUESTIONS ABOUT THE REVISED NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)

September 24, 2019
Agenda

• Remarks from the Administration for Community Living (ACL)
• Review edits to Revised NORS Training materials
• Review new NORS Complaint Codes Cheat Sheets
• Review Frequently Asked Questions and Answers
• Discussion
• Resources and Ongoing Support from NORC
ACL’s Perspective

Louise Ryan
Ombudsman Program Specialist
Administration on Aging /Administration for Community Living
ACL’s Perspective

Preparation Checklist

✓ Read the Revised NORS Training materials and take quizzes
✓ Review the ACL NORS Tables 1 – 3
✓ Listen to the Revised NORS Training webinar series
✓ Review new quick reference complaint code resources
✓ Review the Revised NORS Frequently Asked Questions (FAQs)
**ACL’s Perspective**

- NORS Table 1 Parts A, B, and C – Case and Complaint codes, values and definitions
- NORS Table 2 Complaint codes and definitions
- NORS Table 3 State Program Information

https://ltcombudsman.org/omb_support/nors/revised-nors-data-collection
Revised NORS Training Materials – EDITS!
https://ltcombudsman.org/omb_support/nors/revised-nors-data-collection#training

- Six edits to the quizzes/answer sheets.
  - Part II Quiz Answer Sheet (question 4 in Section D)
  - Part III Quiz and Quiz Answer Sheet (questions 2 and 13)
  - Part IV Quiz and Quiz Answer Sheet (questions 9, 10, 13)
- PowerPoints have been edited to match these changes.
NORS Complaint Codes Cheat Sheets – NEW!

https://ltcombudsman.org/uploads/files/support/NORS_Updated_Co
mplaint_Codes_List.pdf

s_and_Definitions.pdf
Revised NORS FAQs

- Abuse, Neglect, and Exploitation
- Complainant
- Complaint Coding
- Disposition
- Information and Assistance
- Opening and Closing a Case
- Referral
- Survey Participation
- Verification
- Visits

https://ltcombudsman.org/omb_support/nors/revised-nors-faqs

Suggestions for additional FAQs email: ombudcenter@theconsumervoice.org
FAQS REGARDING CASES/COMPLAINTS
ABUSE, NEGLECT, AND EXPLOITATION (ANE)
Abuse, Neglect, and Exploitation

Question
Does the Ombudsman program investigate complaints alleging abuse, neglect, or exploitation?

Answer
Yes, the Ombudsman program investigates complaints or concerns including abuse, neglect, or exploitation.
Abuse, Neglect, and Exploitation

Answer continued – abbreviated

The LTCOP investigates solely for gathering necessary information to resolve the complaint to the satisfaction of the resident, not to determine whether any law or regulation has been violated for purposes of a potential civil or criminal enforcement action.

LTCO should use their best judgement in coding a complaint based on knowledge obtained from the complainant and/or resident, and their fact-finding.

See quiz questions 6 and 7, NORS Training Part I Case, Complaint, Complainant, and Information and Assistance Quiz Answer Sheet as examples.
Abuse, Neglect, and Exploitation

Question
Why is there a perpetrator code for abuse, neglect, or exploitation complaints?

Answer
The perpetrator code was added to NORS to assist ACL and Ombudsman programs in understanding who is most commonly suspected of causing abuse, neglect, or exploitation in long-term care facilities and to better analyze NORS data.
OPENING & CLOSING CASES
Opening & Closing a Case

Question
When do you open a case?

Answer
Open a case as soon as possible after the complainant communicates the complaint and asks for Ombudsman assistance to resolve the complaint.*

*State Ombudsman program policy may specify timeframes for when a case should be opened and documented in the electronic reporting system.
Opening & Closing a Case

Question
When do you close a case?

Answer
Close the case when the investigation is complete.* Completion includes documentation of complaint verification status, a referral code, and disposition code for each complaint in the case and closure dates for all complaints within the case.

*State Ombudsman program policy may specify timeframes for supervisory review of cases prior to closure and timeframes for when to close a case and documentation in the electronic reporting system.
Opening & Closing a Case

Question
You have the resident’s permission to investigate a complaint and started to investigate, then the resident changed their mind doesn’t want you to continue the investigation and resolution activities.

Is it still a case?

Answer
It is a case. In this scenario, the resident has requested assistance and then changed their mind and asked the Ombudsman to stop the investigation. This is still a case with a complaint disposition code of 02 – “Withdrawn or no action needed by the resident, resident representative or complainant.”
Opening & Closing a Case

Question
The program receives a complaint from someone other than the resident, upon an initial investigation the Ombudsman speaks with the resident who does not agree with the complaints and does not want assistance from the program.

Is this a case?
Answer

Yes, this is a case. The complainant identified a problem that affects the health, safety, welfare or rights of one or more resident and requested the Ombudsman program to take action to resolve the identified problem. However, the Ombudsman program is to determine the perspective of the resident and take direction from the resident.
Opening & Closing a Case

Question
When a nursing facility sends the Ombudsman program copies of resident discharge notices, should the program open a case at the time of receipt of the notice?
Answer

No. The nursing facility is not asking the program to establish a case and investigate. Therefore, at the point of receipt of the notice there is no complainant for which to establish a case. The nursing facilities are meeting a federal requirement by sending copies of the notices to the Ombudsman program. In this situation, the Ombudsman program is not yet actively involved in investigating and working to resolve the discharges and no one has asked them to on behalf of a resident. Rather, the nursing facilities are sending the notices as part of routine compliance with one of their requirements.
Opening & Closing a Case

Answer continued

• If you follow-up with the residents who received the notices or if one of them or their representative contacts you, you may have a case or an information and assistance.

• If the resident or their representative asks you for information or suggestions on how to proceed with the discharge or with an appeal, this would be an information and assistance.

• If the resident or their representative asks you to investigate, identify options, and help them either stay in the facility or find another solution, it would be a case with one complaint.
COMPLAINANT
Complainant

Question
When there are multiple people involved with one complaint how do we choose the complainant? For example, a daughter calls the Ombudsman program with a complaint. The Ombudsman visits with the resident and the resident shares her daughter’s concerns and gives the Ombudsman permission to investigate the complaint.

Answer
The daughter (representative, friend, or family) is the complainant.
Complainant

Question
When should the Ombudsman program be the complainant?

Answer
The Ombudsman program may be the complainant in a variety of circumstances. The most common examples include general observations about the facility environment that need attention; this may include circumstances where residents agree with the problem and want it addressed but do not want to be the complainant of record.

See quiz question #8 in the Part I Case, Complaint, Complainant, and Information and Assistance Quiz Answer Sheet for additional information.
It is typical for the Ombudsman to educate a resident about their rights and share an observation about the individual resident’s health, safety or welfare. This discussion may result in the resident requesting Ombudsman assistance to resolve the complaint. In this example, the process of educating the resident encouraged the resident to request assistance; therefore, the resident is the complainant.

See quiz question #10 in the Part I Case, Complaint, Complainant, and Information and Assistance Quiz Answer Sheet for additional information.
COMPLAINT CODING
Complaint Coding

Question
When do you assign complaint codes? For example, if a family member contacts your office with a concern and requests action or do you code it after you have spoken with the resident and received their consent to investigate the issue?

Answer
Assign complaint code(s) upon receipt of the complaint based on the problem or problems identified by the complainant.
Complaint Coding

Question
When a complainant has two complaints/issues that would fall under the same code do I only record the code once?

Answer
Record one complaint and work to resolve all issues raised.

For example, if a complainant has two complaints that are under one code, such as code I05 Housekeeping, Laundry and Pest Abatement, the Ombudsman will open the with one complaint code (I05 in this example).
Complaint Coding

Question
If there is a case where the complaint could be documented under two different codes, do I choose one code?

Answer
Yes, choose one code. Use your best judgement in determining which complaint code to use if there are two very similar codes that describe the complaint. If there are multiple, distinct complaints, identify codes for each complaint.
Complaint Coding

Question
When is it appropriate to add another complaint to an existing case or establish a new case?

Answer
Your state may have a policy with criteria for when to open and close cases and when to consider adding more complaints in the “open” case. Use your best judgement if there is no policy.
VERIFICATION
Verification

Question
What is the definition for verified? If the resident confirms the complaint, does that mean it is verified?

Answer
Per the *NORS Table 1: Part A, B, and C – Case and complaint codes, values, and definitions* the definition of verified is, “a confirmation that most or all facts alleged by the complainant are likely to be true.”
Verification

Answer continued

When determining verification of complaints consider the following:

- Your interview with the complainant or resident,
- Your observations,
- Assuming you have consent to disclose, facts can be gathered from interviews of staff or others in the know,
- Review of records or other documents.
REFERRAL
Question
How do I code referrals to the Office of Inspector General, Attorney General, and State Attorney or professional boards such as the Board of Nursing?

Answer
• Use referral code 03, “law enforcement or prosecutor” for Office of Inspector General, Attorney General, and State Attorney.

• Use referral code 01, “licensing, regulatory, or certification agency” for professional boards of licensing.
DISPOSITION
Disposition

Question
How do I determine the disposition code if the resident dies during the investigation?

Answer
The Ombudsman program regulation at 1324.19 provides guidance of how to determine complaint disposition in the following order. Communication from: (1) the resident; (2) the resident representative; and (3) Ombudsman Program.
Disposition

Answer continued – Examples

• **The complainant is the resident.** The resident died before all the complaints were resolved. The LTCO will need determine disposition based on the circumstances of the complaint or information from a resident representative. See questions 9 and 11 in the Part III for more information.

• **The complainant is a family member. The LTCO visits the resident and the resident is unable to communicate.** The LTCO investigates, helps resolve some issues, and then the resident died. The LTCO took direction from the complainant because the resident was unable to communicate. The disposition of the case is chosen based on the family member’s (complainant) satisfaction. See question 11 in the Part III for more information.
FAQS REGARDING PROGRAM ACTIVITIES
INFORMATION & ASSISTANCE
Information & Assistance

Question
A resident asks an LTCO for help and provides consent to investigate. After the LTCO shares information about residents’ rights and the facility’s responsibilities, she decides to use the information you provided to address her concerns on her own and doesn’t want LTCOP assistance.

Is it a case or information and assistance?
Information & Assistance

Answer

It is an instance of information and assistance. In this scenario, the resident asks for help and you were able to provide information without beginning an investigation.
SURVEY PARTICIPATION
Survey Participation

Question
How do I count participation in facility surveys?

Answer
Report each distinct type of survey activity as one instance by facility type. You may have more than one survey participation activity associated with one survey in one facility.
Survey Participation

Question
Does reading a survey count as participation in a facility survey?

Answer
No, reading a survey does not count as participation in facility surveys. NORS does not ask that you report all activities and reading a survey, while important, is not reported in NORS.
VISITS
Visits

Question
If I visit a facility in response to a complaint, but I also visit with other residents and share information about the Ombudsman program, do I document this visit as a complaint visit or routine access visit (non-complaint visit)?
Visits

Answer

To determine whether to report your visit as a complaint visit or routine access visit focus on the activities you conducted during the visit rather than the initial reason for the visit and any program requirements.

Although the original reason for visiting the facility was to follow-up on a complaint, if you conduct activities that constitute a routine access visit (e.g., visit with multiple residents, share information about the Ombudsman program, walk around and observe activities in the facility) you may document this as a routine visit.

If you visited the facility in response to the complaint and only conducted activities related to the complaint investigation, then you would document the visit as a complaint visit.
QUESTIONS?
Summary

- Administration for Community Living’s perspective
- Resources and updates to training materials
- NORS codes cheat sheets
- Frequently Asked Questions and Answers
- Discussion
- Resources
RESOURCES
Additional Support and Technical Assistance (TA)

- Additional FAQs
  - Send suggestions for additional FAQs to ombudcenter@theconsumervoice.org

- Monthly Open Technical Assistance Calls regarding the Revised NORS
  - October – December. Additional information will be provided soon.

- Highlight NORS Hot Topics in quarterly *Ombudsman Outlook*

- Individual TA to State Ombudsman and representatives as requested

- Developing a Revised NORS On-Demand Training Course

- Louise Ryan providing a workshop regarding NORS during the 2019 Consumer Voice Conference
NORS Instructions, Training, and Materials

https://ltcombudsman.org/omb_support/nors

National Ombudsman Reporting System (NORS)

Each State Long-Term Care Ombudsman Program (SLTCOP) is required by the Older Americans Act to advocate for residents of nursing homes, board and care homes, assisted living facilities and similar adult care facilities. The SLTCOPs use information systems to record the facilities they visit, log complaints they receive and investigate, and track other program activities. Each state reports this data to the United States Administration for Community Living (ACL)/Administration on Aging (AoA), to be summarized in the National Ombudsman Reporting Systems (NORS) and is available on the ACL website. The data has been collected since 1996.

- Instructions for Completing the NORS Form
- Complaint Codes
- NORS Data
- NORS FAQs
- NORS Training
- Revised NORS Data Collection – effective October 1, 2019
Revised NORS Data Collection effective October 1, 2019

Ombudsman programs report their activities such as facility visits, complaints received and investigated, information and assistance provided, and community education to the Administration for Community Living (ACL)/Administration on Aging (Aoa) to be summarized in the National Ombudsman Reporting System (NORS). NORS data is available on the ACL website here and here and on the NORS website.

The revised NORS data collection is effective October 1, 2019. The goal of revising NORS is to enhance ACL's ability to understand and report on Ombudsman program operations, experience of long-term care facility residents, and changes in long-term support and services policies, research, and practices.

NORC updated the four-part NORS training materials to reflect the updated codes, definitions, and activities and instruct programs on how to record the work they do. The ACL NORS data collection tables are below and available on the ACL website. States are to continue to use the current approved NORS codes and instructions and training materials to ensure consistent reporting until the updated data collection is effective on October 1, 2019.

- Introduction: NORS Revisions
- Table 1: NORS Parts A, B and C - Case and complaint codes, values, and definitions
- Table 2: Complaint codes and definitions
- Table 3: State Program Information
- Crosswalk A: NORS Overview
- Crosswalk B: Complaint Codes (Old NORS to Revised NORS)
- NORS Complaint Codes and Definitions (NEW!)
- NORS Complaint Codes (NEW!)
- Revised NORS Training Materials (REVISED!)
- Revised NORS Training Webinar Guide
Start Using Revised NORS – October 1, 2019
Contact Information

Amity Overall Laib, NORC Director
aoveralllaib@theconsumervoice.org
(202) 332 2275 ext. 207

Louise Ryan, Ombudsman Program Specialist, AoA/ACL
louise.ryan@acl.hhs.gov
(202) 795-7355

Maria Greene
NORC Consultant
margreene@outlook.com
(770) 668 6366
Connect with us:

www.ltcombudsman.org

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This project was supported, in part, by grant number 90OMRC0001-01-00, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.