

# NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS) TRAINING PART I

## Case, Complaint, Complainant *AND* Information and Assistance Basic Principles

**REMINDER:** Throughout these training materials “Ombudsman” is used as a generic term that may mean the state Ombudsman, a representative of the Office, or the Ombudsman program. Use the NORS tables developed by the Administration for Community Living/Administration on Aging with these training materials when indicated (Table 1: NORS Case and complaint codes, values and definitions; Table 2: NORS Complaint codes and definitions; and Table 3 State Program Information, OMB Control Number 0985-0005). The NORS codes and definitions used in these materials are taken from the ACL tables 1-3 and are not to be modified.

1. 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.
2. **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.

## Case and Complaint Versus Information and Assistance

| NORS Definition- Case/Complaint  | Versus                          | NORS Definition – Information and Assistance   |
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| <p>A <b>case</b> is comprised of a complainant, complaint code(s), a setting, verification, resolution, and information regarding whether a complaint was referred to another agency. Each case must have a minimum of one complaint.</p> <p>A <b>complaint</b> is an expression of dissatisfaction or concern brought to, or initiated by, the Ombudsman program which requires Ombudsman program <u>investigation and resolution</u> on behalf of one or more residents of a long-term care facility.</p>  | <p><b><u>Definition</u></b></p> | <p><b>Information and assistance</b> is providing information about issues impacting residents (e.g. resident rights, care issues, services) and/or sharing information about accessing services <u>without opening a case</u> and working to resolve a complaint.</p> <p>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.</p> |
| LTCOP Rule §1324.19 (b) Complaint Processing   | Versus                          | Information and Assistance Practice  |
| <p>(1) With respect to identifying, investigating and resolving complaints, and regardless of the source of the complaint (i.e. complainant), the Ombudsman and the representatives of the Office serve the resident of a long-term care facility. The Ombudsman or representative of the Office shall investigate a complaint, including but not limited to a complaint related to abuse, neglect, or exploitation, <u>for the purposes of resolving the complaint to the resident’s satisfaction</u> and of protecting the health, welfare, and rights of the resident. The Ombudsman or representative of the Office may identify, investigate and resolve a complaint impacting multiple residents or all residents of a facility.</p> | <p><b><u>Purpose</u></b></p>    | <p>The purpose of providing information and assistance is to inform the public, residents, facility staff, family of residents, and others. The Ombudsman program provides an answer, resources, and/or suggests other agencies or programs to contact.</p>  |

| LTCOP Rule §1324.19 (b) Complaint Processing  | Versus  | Information and Assistance Practice   |
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| <p>(2) Regardless of the source of the complaint (i.e. the complainant), including when the source is the Ombudsman or representative of the Office, the Ombudsman or representative of the Office must support and maximize resident participation in the process of resolving the complaint as follows:</p> | <p><b><u>Resident Participation</u></b></p>   | <p>Resident participation is not required when the person making the inquiry is not a resident.</p>   |
| <p>(i) The Ombudsman or representative of Office <u>shall offer privacy</u> to the resident for the purpose of confidentially providing information and hearing, investigating and resolving complaints.</p>  | <p><b><u>Privacy</u></b></p>                  | <p>The content of the discussion or other form of communication is confidential and subject to Ombudsman program disclosure requirements. The discussion may be less sensitive and privacy may be less essential to offer. Many times the person making the inquiry may provide information by telephone or an in-person contact in a public area, by email, or from a resident's room.</p> |
| <p>(ii) The Ombudsman or representative of the Office shall <u>personally discuss</u> the complaint with the resident (and, if the resident is unable to communicate informed consent, the resident's representative) in order to:</p>  | <p><b><u>Discussion with Resident</u></b></p> | <p>Discussion with the resident is not required when the person making the inquiry is not the resident.</p>   |
| <p>(A) <u>Determine the perspective of the resident</u> (or resident representative, where applicable) of the complaint;</p>  | <p><b><u>Resident Perspective</u></b></p>     | <p>Obtaining the resident's perspective is not required in order to provide information and assistance.</p>   |
| <p>(B) Request the resident (or resident representative, where applicable) to communicate informed consent in order to investigate the complaint;</p>   | <p><b><u>Informed Consent</u></b></p>         | <p>There is no informed consent because there is no request for further action.</p>   |

| LTCOP Rule §1324.19 (b) Complaint Processing  | Versus                       | Information and Assistance Practice   |
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| (D) Advise the resident (and resident representative, where applicable) of the resident’s rights;   | <b><u>Rights</u></b>         | Provide information on applicable rights, laws, etc. if appropriate.  |
| (E) Work with the resident (or resident representative, where applicable) <u>to develop a plan of action for resolution of the complaint;</u>   | <b><u>Plan of Action</u></b> | No action for complaint resolution is requested. Therefore, the Ombudsman program does not develop a plan of action.  |
| (F) <u>Investigate</u> the complaint to determine whether the complaint can be verified; and  | <b><u>Investigation</u></b>  | No investigation occurs by the Ombudsman program.   |
| (G) <u>Determine whether the complaint is resolved</u> to the satisfaction of the resident (or resident representative, where applicable).  | <b><u>Follow-up</u></b>      | Follow-up may not be required, depending on the nature of the inquiry, and there is no requirement to determine level of satisfaction.  |
| Case notes are documented within the case, not as an information and assistance activity. If information and assistance is offered related to the complaint during the complaint process, these actions are documented in the case notes. | <b><u>Documentation</u></b>  | Information and assistance are documented as Ombudsman program activities. Document each instance according to the type of person who made the request (individual or facility staff — nursing facility or residential care community).<br><br>Note: NORS no longer requires an information and assistance topic. |

*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.*