

CHAPTER 12 DATA REPORTING AND THE NATIONAL OMBUDSMAN REPORTING SYSTEM

I. Introduction

Title VII, Section 712(c) of the Older Americans Act requires each State Unit on Aging (SUA), including the California Department of Aging (CDA), to establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities.

To meet this requirement, the federal Administration on Aging (AoA) directed the SUAs to implement a uniform management information system, the National Ombudsman Reporting System (NORS). The Office of Management and Budget approved NORS and it became effective in 1995 under an AoA Program Instruction Memo (AoA PI 95-10).

Since 2013, the Office of the State Long-Term Care Ombudsman (OSLTCO) and local Ombudsman programs in California have used the Ombudsman Data Integration Network (ODIN) to electronically record Ombudsman data. ODIN was developed by OSLTCO and the CDA Information Technology Branch and it allows local program coordinators to determine who, within their programs, will be able to amend and delete case, activity, and facility data. OSLTCO has structured ODIN to be used as a case management tool, and not just a repository for NORS data.

II. Legal Authority

FEDERAL Title 42 United States Code section 3058g(c)

STATE Welfare and Institutions Code section 9716

III. Documents Referenced

(All documents are posted on the coordinator resources web page at <http://www.aging.ca.gov>)

- Quarterly Ombudsman Data Reporting Form (OSLTCO S301)
- ODIN Reference Guide
- National Ombudsman Reporting System ODIN Data Entry Training Request Form (OSLTCO S700)
- Checklist for Data Training Visit (OSLTCO S701)
- Annotated NORS Activity Chart LLTCOP (OSLTCO S308)
- Long-Term Care Ombudsman Complaint Form (OSLTCO S306)
- Long-Term Care Ombudsman Activity Log (OSLTCO S304)
- Long-Term Care Ombudsman Information and Consultation Log (OSLTCO S307A)
- Long-Term Care Ombudsman Information and Consultation Tally (OSLTCO S307B)

IV. Reporting Requirements

Local Area Agencies on Aging (AAA) are required to ensure compliance with reporting provisions specific to the Ombudsman Program as stated in the Area Plan Contract Terms and Conditions, Exhibit E.

Local Ombudsman programs are responsible for entering data into ODIN and ensuring that data is complete for each quarter on or before the following dates:

- Data for October 1 through December 31 by **January 31**.
- Data for January 1 through March 31 by **April 30**.
- Data for April 1 through June 30 by **July 31**.
- Data for July 1 through September 30 by **October 31**.

Each quarter, OSLTCO e-mails the Quarterly ODIN Reporting Form (OSLTCO S301) to the local program coordinators. Each program coordinator completes the form and returns it to OSLTCO, with a copy to the AAA, stating either that the local program has entered all NORS data for that reporting period or providing a specific date when the data will be entered and the reason for the delay.

OSLTCO monitors data periodically throughout the year to ensure that local programs are appropriately recording Ombudsman complaints and activities.

OSLTCO staff is available to provide technical assistance with NORS coding and data entry. Local programs can also get assistance with questions about ODIN in the ODIN Reference Guide.

V. Data Information Systems Policy

A. User Registration: When new Ombudsman representatives are certified, OSLTCO enters their information into ODIN. Each local program coordinator may then decide who should have access to ODIN at either the key data entry level or the administrative level. Key data entry level users can input case and activity information, but they cannot change facility information or delete cases and activities. Administrative level users can reset passwords and add, review, and delete cases, activities, and facilities. Local program coordinators must be sure to deactivate user log-ins and change user passwords when Ombudsman representatives in their programs are decertified.

B. Use of Program Data: Data entered into ODIN is used for many different purposes including:

- ODIN data entered by local Ombudsman programs is combined with OSLTCO data to create the annual statewide NORS report mandated by AoA.
- OSLTCO sends each local program's data to the local AAA to use as a baseline for the four-year Area Plan and annual updates.
- ODIN data is reviewed as part of the OSLTCO monitoring of the local Ombudsman programs.
- ODIN data is a valuable tool for the local program to use in evaluating the services it provides.

- ODIN data can be used in advocacy efforts to support arguments for better conditions for long-term care residents and stable funding for the program.

- C. Data Validation:** Data entered into ODIN can be saved for later updates, but it is important to remember that the data is not included in ODIN reports unless it has been validated. ODIN contains validation requirements for Ombudsman cases and activities and will display error messages if a user attempts to validate data before all required information is entered.
- D. ODIN Training:** OSLTCO staff is available to provide group training on data reporting and the use of ODIN to local Ombudsman program staff and volunteers. To request a training visit, the local program coordinator must complete the NORS ODIN Data Entry Training Request Form (OSLTCO S700) and submit it to OSLTCO at least 30 days prior to the date of the requested training visit. Trainees will also be expected to complete the items listed on the Checklist for Data Training Visit (OSLTCO S701) prior to the training.

VI. Cases and Complaints Collected in NORS

A. Definitions:

1. In order for Ombudsman work to be considered a **case**, it must meet several requirements. If the circumstances do not meet these requirements, the work may be a **consultation** or other Ombudsman activity.
 - A case includes Ombudsman investigation, strategy to resolve, and follow up.
 - A case must be made up of one or more complaints.
2. Each **complaint**:
 - Is a concern brought to or initiated by an Ombudsman representative;
 - Is made by or on behalf of one or more long-term care residents;
 - Relates to the health, safety, welfare, or rights of a resident; and
 - Has one complaint code.
3. A complaint is recorded as **verified** if it is determined after Ombudsman work (interviews, record inspection, observation, etc.) that the circumstances described in the complaint are generally accurate.

- B. Documentation:** Documentation of case investigation activities is extremely important for accurate reporting and for allowing others who may later become involved in a case to know what steps the Ombudsman representative has already taken. Furthermore, any complaint may become a source of litigation, and clear documentation will be critical.

For each case, at a minimum, local Ombudsman programs must document the following in the case notes:

1. The basics of the complaint, such as a description of the issue, the date the local LTCOP received the complaint and the time of the first action.
2. The date, time and information from the investigating Ombudsman representative's initial contact with the complainant.
3. The date, time and information from the investigating Ombudsman representative's contact with the resident, if the resident is not the complainant.
4. Consent from the resident, resident representative, or where appropriate, authorization from the State Ombudsman or program coordinator for the Ombudsman representative to act on the resident's behalf.
5. The steps taken by the Ombudsman representative to investigate the complaint.
6. The Ombudsman representative's findings as a result of the investigation. There must be sufficient factual information included in the notes to support a finding that the complaint was either verified or not verified.
7. The conversation with the resident and other pertinent information to support the complaint disposition.

All case notes must be written in an objective, factual manner and not include subjective opinions.

C. Complaint Categories in NORS: For each complaint there must be only one complaint code listed. The Ombudsman representative must choose the one code which best fits the problem.

- Codes 1 through 102 (Groups A-M) are used for complaints against long-term care facilities and their representatives.
- Codes 103 through 116 (Groups N and O) are used for complaints against the State licensing and Medicaid agencies.
- Codes 117 through 128 (Group P) are used for complaints against or involving individuals who are not managers/staff of facilities or of the State's licensing and certification agency (except for code 119, operating without a license).

- Codes 129 through 133 (group Q) are used for complaints about services in settings other than long-term care facilities (as defined by AoA) or for services by outside providers. The local program must code reports of abuse occurring in adult day health care centers, adult day programs, adult residential facilities, intermediate care facilities for the developmentally disabled, congregate living health facilities, and adult residential facilities for persons with special health care needs as Q131 complaints and not as abuse complaints because these facilities are not long-term care facilities under the NORS definitions. ***Q131 must be used for complaints in facilities other than SNFs, ICFs, and RCFEs (licensed or unlicensed).*** Use Q132 for complaints about outside agencies that provide services, such as hospice, homemaking, or transportation in SNFs, ICFs, and RCFEs.

Note that the NORS definition of abuse is different from the definition of elder and dependent adult abuse in California law. Ombudsman representatives should use NORS complaint categories in Group A “Abuse, Gross Neglect, Exploitation” only for serious complaints of *willful* mistreatment of residents by facility staff, management, other residents, or outside individuals who have gained access to a resident through negligence or lax security on the part of the facility, or for neglect which is so severe that it constitutes abuse.

Complaints coming in on the SOC 341 report of known or suspected abuse of elder or dependent adults *do not always* meet the NORS definition of abuse used in the Group A codes. If they do not meet the NORS abuse definition, complaints should be coded in the appropriate (non-A) category. Local Ombudsman programs can indicate that the complaint came in on an SOC 341 by using the SOC 341 Journal Type in ODIN and attaching a copy of the SOC 341 to the case documentation.

The local program may use the Long-Term Care Ombudsman Complaint Form (OSLTCO S306) to collect complaint information for entry in ODIN.

VII. Ombudsman Activities Collected in NORS

In addition to case and complaint data, AoA requires Ombudsman programs to collect information about some of the activities performed by Ombudsman representatives. The LTC Ombudsman Activity Log (OSLTCO S304) is one tool that local Ombudsman programs may use to collect this information for entry into ODIN. To record call intake and instances of information and consultation, local Ombudsman programs may use the Information and Consultation Log (OSLTCO S307A) and/or the Information and Consultation Tally by Topic (OSLTCO S307B).

Documenting time spent:

- It is important to enter volunteer time spent on casework and activities so that OSLTCO can calculate total volunteer time for the annual report to

AoA. Enter all case-related time, including travel time and time spent on written documentation, in the case record. When entering activity data, be sure to include activity time and travel time.

- Enter volunteer time that is not connected to a case or a specific NORS activity (for example answering phones, filing, or working on a fundraising project) as Activity 99, “Other Volunteer Time.”
- Enter staff time, at a minimum, for providing “Technical Assistance to Local Ombudsmen and/or Volunteers” and for “Monitoring/Work on Laws, Regulations, Government Policies and Actions” so that the percentage of staff time spent on these activities is captured.

For NORS purposes, Ombudsman representatives report the following activities:

1. **Training for Ombudsman Staff and Volunteers:** The person conducting or arranging the training reports this as an activity. *Because this activity is a count of training sessions, only one person will record the training activity, even if more than one was involved in providing training.* (Others assisting in providing training will record the activity as Technical Assistance.) Record each session (count the 36-hour certification training as 1 session), the number of hours, the total number of attendees, and the topic. A query of ODIN data will determine the number of training sessions and the three most frequent topics to include in the annual report to the AoA. *Do not enter attendance at training as a training activity.* Time attending training can be counted as Activity 99, “Other Volunteer Time.”
2. **Technical Assistance Provided to Local Ombudsmen and/or Volunteers:** Record all paid staff time spent providing technical assistance. Under NORS, technical assistance is paid staff time spent managing and administering local Ombudsman programs. It includes time spent answering questions, discussing procedures, researching issues necessary to provide guidance, and mentoring local Ombudsman representatives, as well as time spent preparing for training for Ombudsman staff and volunteers. A query of ODIN data will calculate technical assistance time as a percentage of total paid staff FTEs for the program.
3. **Training for Facility Staff:** A training session is a planned event for a group of staff people, not to be confused with a one-to-one or small group on-site consultation occurring during the course of a facility visit. Enter each training session provided, the number of participants, the time spent, and the training topic. As with Training for Ombudsman Staff and Volunteers, *NORS asks for a count of training sessions, so the activity must be counted as training for one person only, even if the training is delivered by more than one person.* Other Ombudsman

representatives assisting in providing training can enter time under Activity 99. A query of ODIN data will calculate the number of sessions and the three most frequent topics for the annual AoA report.

4. **Consultation to Facilities:** Enter each instance of providing information and technical assistance to facility staff, the time spent, and the topic of the consultation. Ombudsman representatives may provide consultation to facilities in person, over the telephone, through e-mail, or by other means. To populate the NORS report, a query of ODIN will determine the number of instances of consultation and the three most frequent topics.
5. **Information and Consultation to Individuals:** Enter each instance of providing information and consultation to *anyone other than facility staff*, the time spent, and the consultation topic. Ombudsman representatives may provide information and consultation in person, over the telephone, through e-mail, or by other means. A query of ODIN data will determine the number of instances of consultation and the three most frequent topics to include in the annual NORS report to AoA.
6. **Facility Coverage:** Enter each visit to a SNF, ICF (but *not* ICF/DD), or RCFE that is *not* in response to a complaint under the activity type, “Facility Coverage.” Include the name of the facility and the time spent. An Ombudsman representative may identify complaints while visiting the facility, but if the original purpose of the visit was to show Ombudsman presence, talk to residents, observe conditions in the facility, and not to respond to a complaint, then the local program should count the visit as “Facility Coverage.” To populate the AoA report, a query of ODIN data will calculate separately the number of SNFs/ICFs and the number of RCFEs that were visited at least once a quarter during the year, not in response to a complaint. ***Note that this is a count of facilities and not a count of the total number of facility coverage visits.***
7. **Participation in Facility Surveys:** Record each licensing survey in which the local Ombudsman program participates, the name of the facility, and the time spent. ***Because NORS asks for a count of surveys, if the program participates in more than one part of the survey, or if more than one Ombudsman representative participates in a survey, the activity is still counted as one survey participation.*** Any additional Ombudsman representative participating in the survey can enter time under Activity 99.
8. **Work with Resident Councils:** Enter each resident council meeting attended by an Ombudsman representative and the time spent. ***If more than one Ombudsman representative attends a meeting, count as one meeting.*** Additional Ombudsman representatives can enter time under Activity 99.

9. **Work with Family Councils:** Enter each family council meeting attended by an Ombudsman representative and the time spent. ***If more than one Ombudsman representative attends a meeting, count as one meeting.*** Any additional Ombudsman representative can enter time under Activity 99.
10. **Community Education:** Record each presentation an Ombudsman representative gives and each meeting an Ombudsman representative attends with community groups, senior centers, etc. Record the time spent on these activities.
11. **Work with Media:** Record each media interview given and each press release, along with the topic and the time spent. ***Count a single press release given to multiple outlets as one press release.*** A query of ODIN data will determine the number of instances and the three most frequent topics to be used in the NORS report.
12. **Monitoring/Work on Laws, Regulations, Government Policies and Actions:** Record all staff time spent working with other agencies and individuals, both inside and outside of government, on laws, regulations, policies and actions to improve the health, safety, welfare, and rights of long-term care residents. In populating the annual NORS report to AoA, OSLTCO uses a query of ODIN data to calculate time spent on this activity as a percentage of total paid staff FTEs in the program.

In addition to the information required by NORS, Ombudsman representatives can include additional information or comments in the notes section of each activity entered in ODIN.

Ombudsman representatives can find more detailed information about NORS reports and coding on the Coordinator Resources Webpage of the CDA Website at www.aging.ca.gov and on the National Ombudsman Resource Center Website at www.ltombudsman.org/ombudsman-support/training. The ODIN Reference Guide is also on the Coordinator Resources Webpage.

OSLTCO provides two sessions of NORS consistency training every quarter, with a different topic covered each quarter. Training sessions are conducted by webinar and are open to all local LTCOP paid staff and volunteers.