

## Administration for Community Living – Response to comments on proposed revisions of the National Ombudsman Reporting System (NORS)

**Table 3 - State Program Data Elements**

States will submit a wide range of elements describing their statewide Ombudsman program grouped into a range of categories:

Public comments to table 3 primarily focused on proposed editorial changes to the examples and reporting tips; many of those were amended into the final table. This review focuses on recommended additions or deletions to the proposed data collection.

Element Number	Data Element	Comment	ACL Response
S-01-S-06	Case (now called complaint ) example	Change word from case to complaint	Recommendation accepted
	Provide 2-3 complaint examples.	Limit the requirements in this section to two case complaint examples, one example from a nursing facility and one from a board and care facility.	No change. Many states provide more than 2 complaint examples. Offering a third optional example does not add burden.
S-10	Systems Issue Status	<b>Issue:</b> It is unclear which code or value to choose if a systems issue is both newly identified in the reporting year and fully resolved as the Quantifier states “Single per Systems Issue”. No Examples and Reporting Tips are provided. <b>Recommendation:</b> Change code options to “1 = Newly identified in this reporting year” and not yet resolved and “3 = Fully or Partially Resolved” including issues that are newly reported or an ongoing issue from last year. Under Examples and Reporting Tips for code 3, include language that the Office completed all work on this issue; otherwise, code 2 should be selected.	Recommendation accepted
S-12	Strategies applied to resolve the reported systems issue.	<b>Issue:</b> This section does not include Examples and Reporting Tips. <b>Recommendation:</b> Provide examples of when a situation would be considered a case verses when it could be considered a systems issue.	Partial acceptance. A systems issue may come from a specific case. One does not exclude the other. Systems issues reporting will be addressed in NORS

Element Number	Data Element	Comment	ACL Response
			consistency training.
S-15	Local Ombudsman Entity	<p><b>Issue 1:</b> This section is required, but not all states have local ombudsman entities.</p> <p><b>Recommendations:</b> Include a “not applicable” element for states reporting no local ombudsman entities.</p> <p><b>Issue 2:</b> Clarification and a change are needed for 5 under Codes and Values. It is written as a “regional representative of State Ombudsman program – an employee of the State Ombudsman program serving a specific geographic region.”</p> <p><b>Recommendations:</b> Given this coding category is titled “Local Ombudsman Entity”, XX recommends that ACL collect information about regional representatives of a State Ombudsman program in a separate reporting category because staff in these regional offices are not local ombudsman entities. While it is reasonable for ACL to collect this information, it should strive to collect information in such a way that does not lead to confusion about the definition of a local ombudsman entity.</p>	<p>Issue 1 – Accepted</p> <p>Issue 2 – Accepted, code number 5 removed. No separate reporting category is necessary.</p>
S-21/ S-26	Other volunteers, not representatives of the Office (State & Local)	<p><b>Issue:</b> Clarification is needed regarding S21 and S26. ACL has raised questions regarding state practices with volunteers who are not representatives of the Office.</p> <p><b>Recommendation:</b> Delete the collection of data on “Other Volunteers, not representatives of the Office.” If this is not deleted, XX recommends that ACL provide examples and reporting tips to explain elements S21 and S26 and set clear boundaries on volunteer activities that are allowable and reportable in NORS.</p>	No Change. Many states have volunteers who support the program in advisory, fundraising or in other programmatic capacities. This provides an opportunity to fully reflect all volunteer support to a state program. Reporting tips were added.
S23	Total FTE in local Ombudsman entity	1.) - Many local Ombudsman programs are able to supplement State and Federal Ombudsman funds with locally raised funds	1.) No change, this would be too burdensome. States will report

Element Number	Data Element	Comment	ACL Response
		<p>(grants, fundraising, donations, etc.). The use of these locally raised funds to pay for Staff Ombudsman or FTEs can cause over-reporting of FTEs provided by State and Federal dollars. When comparing Ombudsman programs or looking at the total number of FTEs provided nationwide with State and Federal dollars, the inclusion of FTEs provided with local/non-Federal and State funds creates an unfair imbalance and gives credit for FTEs that are not creditable to Federal or State resources. We recommend that the State report contain one Element for FTE Local Ombudsman Staff funded with State and Federal Ombudsman funds and another Element for FTE Local Ombudsman Staff funded with Local Funding.</p> <p>2) The proposed elements have omitted requesting number of local ombudsman working full-time on the ombudsman program. This element is important because it portrays a more accurate picture of the Program and is helpful in advocating for additional resources. Also omitted is 'Paid clerical staff' at both the state and local level.</p>	<p>on all funds expended to accurately reflect the statewide program, including sources at the local level. Likewise States will report on all FTE's regardless of source of funds. The LTCOP Rule defines the Ombudsman program to include all representatives of the Office and any local entities; separating out FTE reporting could cause confusion.</p> <p>2.) No change. A clear count of the number of people and FTE's will provide an estimate of the number of people working full-time and give a clear picture of the staffing resources. Currently there is confusion as to what constitutes full-time.</p> <p>Reporting of "paid clerical staff" is unclear to many programs; often paid clerical staff is designated as a representative of the Office and fulfill that role but also have clerical responsibilities. This has resulted in undercounting those individuals who serve a direct program purpose.</p>

Element Number	Data Element	Comment	ACL Response
S-27-S-29	Conflicts of interest reporting	Comments had various suggestions and requested further technical assistance and reporting tips.	Conflict of interest reporting was approved in NORS under OMB NO.: 0985-0005. ACL has provided technical assistance and worked with the National Ombudsman Resource Center (NORC) to develop further clarifications and technical assistance tools. The software in development will allow for states to choose their conflicts from the previous year and to edit if necessary.
S-37	Identification of Other Federal Sources	Various suggestions to add other federal sources, and questions about the titles, i.e. "Community Service Block Grant" versus "Community Development Block Grant."	No additional sources were added. One was modified to read "Social Services Block Grant or Community Services Block Grant."
S-37	Funds expended – state level	<b>Issue 1:</b> The Data Element – Identify other sources at the state level, is not clear regarding who raises the money versus who expends the funds. How is that reported? For example, the State Ombudsman may do the work to secure a new funding source for local ombudsman entities. The State Ombudsman does not receive funding from this new funding source. Only local entities benefit from it. <b>Recommendation:</b> XX requests clarification on this issue.	No change. ACL will provide further guidance in NORS consistency training.
S-45-S-47	Residential Care Community name and definition	<b>1. Issue:</b> Names, types, and definitions of types of residential care communities will not change significantly from year to year. Entering each year when there is no change will be unnecessarily time-consuming. <b>Recommendation:</b> ACL should develop a reporting tool to carry	1. Agree. The reporting tool will allow for previous year's information to roll over to the current reporting year.

Element Number	Data Element	Comment	ACL Response
		<p>responses over from year to year. Add a statement attesting that there has been no change from the prior year or require that updates be made.</p> <p>2. <b>Issue:</b> Under Business Rules, states are given the option to not report on unlicensed homes. XX believes this will create inconsistency in the data.</p> <p><b>Recommendation:</b> Delete the Business Rules comments for this element.</p>	<p>2. The business rules were revised, however many states do provide Ombudsman services to unlicensed homes and we want to provide the option to include those homes in their facility count; this is not a change in practice. The revised reporting tips make it clear that it is optional. "Reporting the number of unregulated or unlicensed Residential Care Communities is optional (not required.) "</p>
S-49	Number of Training Hours Required to Maintain Certification (now called Continuing education)	<p><b>Issue:</b> States may have various levels of required hours based on volunteer or paid status. It is unclear how or whether these levels can be reported, and if only one level can be reported, which one.</p> <p><b>Recommendation:</b> Add under Business Rules, If a state has various levels of training based on volunteer or paid status, select the minimum number of annual training hours required to maintain certification status.</p>	Agree, included in reporting tips.
S-53-S-55	Information & Assistance to individuals	<p>Page twenty-two indicates a 'language' change in Activities terms of 'Information and Consultation'. The term 'Consultation' (in current and past use) is proposed to change to 'assistance' whereby the activities types in the proposed language would be 'Information and Assistance', 'Information and Assistance to Nursing Facility Staff' and 'Information and Assistance to Residential Care Community Staff'. The change of 'consultation' to 'assistance' is an unnecessary change and it lessens the substance and depth of the activity. We</p>	<p>No change. Ombudsman programs typically provide information and assistance or referrals to residents, their families, facility staff and others. We are using this term for consistency purposes.</p>

Element Number	Data Element	Comment	ACL Response
		<p>recommend that the use of 'consultation' remain and that it not be replaced by 'assistance'. By retaining 'consultation' (an accurate description of what is provided) it further differentiates and expands the activity from I &amp; A or I &amp; R.</p>	
S-56-S61	Facility visits, number of facilities visited and routine access	<ol style="list-style-type: none"> <li>1. While this is a big change to the way facility visit data is currently collected, XX OLTCO appreciates being able to show data for all types of facility visits.</li> <li>2. We strongly support the inclusion of these types of visits in the Stare report. It is very important for the Ombudsman Programs to show the real number of visits to facilities.</li> <li>3. The new items would certainly provide a better 'picture' of the Program work. This proposed change is welcomed with the caveat that time is sufficient prior to implementation, to reconfigure electronic data collection programs to capture these numbers without requiring multiple entries from the ombudsman for one documentation. For example, if an ombudsman visits a nursing home in the course of working on a case, the case documentation should automatically reflect visits in the 'number of facility visits' count.</li> <li>4. Elements #S58 and S61: Routine Access We do not believe there is any evidence that shows a quarterly visit to a care facility (skilled nursing or residential) ensures resident access to the Ombudsman program. We recommend that quarterly visits are eliminated as a measure of success or resident access from all Ombudsman requirements. If it is not possible to eliminate quarterly visits, we recommend changing the wording for "Total Number of nursing facilities that received routine access" to "Total number of nursing facilities that received a quarterly visit."</li> </ol>	<p>1, 2 &amp; 3. Thank you. We believe that states reporting software systems can accommodate this change. The ACL contractor developing new software will work with vendors to support transition to a new reporting system.</p> <p>3. The suggestion made that "the case documentation should automatically reflect visits in the 'number of facility visits' count" is appropriate to request of the state vendor.</p> <p>4-6. No change, we anticipate that we will learn more about the effectiveness of routine access visits from the findings of the LTCOP process and outcomes evaluations. ACL would like to maintain a measurement of the number of facilities that have at least quarterly visits, not in response to a complaint. This provides some measure of LTCOP</p>

Element Number	Data Element	Comment	ACL Response
		<p>5. The definition of “routine access” is limiting and does not give a thorough picture of visitation and access. Recommend, eliminate “not in response to a complaint”</p> <p>6. Issue: It is difficult for local ombudsman to visit facilities for only one purpose. Even during a compliant visit, other residents are visited and issues addressed. The opposite is possible, local ombudsman make a facility visit that turns into a complaint visit. It is a burden to collect visitation data when it is very difficult to separate out the purpose for the visit to a single reason.</p> <p>Recommendation: to delete the S58 – and S61, allowing local ombudsman to enter data for any type of visit and not separate visitation by a complaint or non-complaint visit.</p>	<p>presence in facilities. Further guidance will be provided in NORS consistency training.</p>
S64-S67	Resident and Family Councils in Nursing Facilities and Residential Care Community Facilities	<p><b>Issue:</b> The OAA requires ombudsman programs to “provide technical support for, actively encourage, and assist in the development of resident and family councils to protect the well-being and rights of residents”. Reporting only attendance at council meeting or meeting with council leadership does not capture the support and assistance provided by ombudsmen, which is often of more value than attending a council meeting. <b>Recommendation:</b> Expand Business Rules for S64, S65, S66, and S67, to state, Including but not limited to meeting with council leadership, providing training, consultation, and resources.</p>	<p>Accept part. New definition reads: “Total number of instances of attendance, at resident councils, including <u>meeting with council leadership, and training of resident councils</u> at nursing facilities by representatives of the Office.”</p> <p>Providing consultation and resources outside of a meeting can be documented as an information and assistance</p>

Element Number	Data Element	Comment	ACL Response
			activity.
S68	Community education	<p><b>Issue:</b> Not counting newsletters, blogs and other forms of media in this element fails to capture important modern ways in which ombudsman provide education and information to the community.</p> <p><b>Recommendation:</b> Change the Business Rules so that newsletters, blogs, and other forms of media be counted here or add an element in order to give a full picture of ombudsman work.</p>	No change. ACL understands that newsletters, blogs and other forms of media are important ways to educate the public but we believe it would be a reporting burden.