



March 23, 2018

Office of Information and Regulatory Affairs  
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Attention: OMB Desk Officer for ACL

Comments: Information Collection Requirements Relating to the National Ombudsman Reporting System

Submitted: On Behalf of the National Consumer Voice for Quality Long-Term Care

The National Consumer Voice for Quality Long-Term Care (Consumer Voice) appreciates the opportunity to submit comments regarding the National Ombudsman Reporting System.

Consumer Voice is a non-profit organization dedicated to advocating for the health, safety, welfare and rights of nursing home and assisted living facility residents and other long-term care consumers throughout the country. With more than 40 years' experience, we are the leading national voice representing consumers in issues related to long-term care. An important part of the Consumer Voice's work is to operate the National Long-Term Care Ombudsman Resource Center (NORC) in cooperation with the National Association of States United for Aging and Disabilities (NASUAD). NORC provides support, technical assistance, and training to the 53 State Long-Term Care Ombudsman Programs and their statewide networks of almost 600 regional (local) programs. The Center's objectives are to enhance the skills, knowledge, and management capacity of the State programs to enable them to handle residents' complaints and represent resident interests (individual and systemic advocacy).

Consumer Voice supports the comments submitted by the National Association of State Long-Term Care Ombudsman Programs (NASOP) and joins NASOP in recommending that:

- the implementation date be changed;
- one-time grants for training and data system changes be issued; and
- the term "board and care" replace "residential care communities."

We address each of these points below.

*The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR) is a 501(c)(3) nonprofit membership organization founded in 1975 by Elma L. Holder that advocates for quality care and quality of life for consumers in all long-term-care settings.*

## **Change the implementation date**

As the Administration for Community Living (ACL) acknowledges, the changes to NORS are the greatest revisions made since the system was first established. These revisions will require that data collection systems be changed, and Long-Term Care Ombudsmen, and their program representatives, will need training on the new data definitions, codes, and data submission process. Since the final specifications for the system will not be available until at least May 2018, we share NASOP's concerns that five months is far too little time to adequately accomplish these tasks. That period of time is barely sufficient to develop a good training program, let alone afford enough time to adequately train first State Ombudsmen and then their program representatives.

We understand ACL officials have indicated that the implementation date has been pushed back a year to October 1, 2019. If that is the case, we applaud this move and thank ACL for its responsiveness and action. However, the published date remains October 1, 2018, creating anxiety and worry throughout the ombudsman network. We urge ACL to take immediate steps to change the date publicly and formally to make it clear that the time frame has been changed.

## **One time grants**

Changing data collection systems takes time and money – and State Ombudsman Programs are short on both. The LTCOP is currently unable to provide residents with the assistance they need and are entitled to due to insufficient funding. Programs are stretched so thin that total funding for the LTCOP across the country has only increased by \$8.9 million dollars since 2010.<sup>1</sup> For many programs, the financial resources to implement a new reporting system are simply non-existent. We ask ACL to develop one-time grants to states, using the Title VII funding allocation formula, to compensate states for the cost of implementation. In this way, State Ombudsman Programs can comply with the reporting requirements without “robbing Peter to pay Paul.”

## **Use the term “board and care” instead of “residential care communities”**

Consumer Voice recommends that ACL retain the term “board and care” rather than change it to “residential care communities.” Changing “board and care” to “residential care community” is an unnecessary change in nomenclature that is inconsistent with the Older Americans Act language and LTCOP Rule and only adds confusion.

Thank you for consideration of these comments.

Sincerely,



Lori Smetanka  
Executive Director



Robyn Grant  
Director of Public Policy & Advocacy

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<sup>1</sup> “LTC Ombudsman Program Funding Totals and Percents for FY 2015 as of 03/14/2017,” LTC Ombudsman National and State Data, Administration for Community Living (March 14, 2017), <https://www.acl.gov/programs/long-term-care-ombudsman/ltc-ombudsman-national-and-state-data>.