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Office of Information and Regulatory Affairs
Office of Management and Budget (OMB)
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Attn: OMB Officer for ACL

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Re: Agency Information Collection Activities; Public Comment Request; State Annual Long-Term Care Ombudsman Report Known as the National Ombudsman Reporting System (NORS) and Instructions (OMB No: 0985-005)

Submitted electronically: OIRA_submission@omb.eop.gov

On behalf of the National Association of States United for Aging and Disabilities (NASUAD), I am writing to you in response to the Long-Term Care Ombudsman Program Proposed Extensions with Changes of a Currently Approved Collection. NASUAD represents the nation's 56 state and territorial agencies on aging and disabilities and supports visionary state leadership, the advancement of state systems innovation and the development of national policies that support home and community-based services for older adults and individuals with disabilities. Our members oversee the implementation of the Older Americans Act (OAA) across the country, and many also serve as the operating agency in their state for Medicaid waivers that serve older adults and individuals with disabilities. Together with our members, we work to design, improve, and sustain state systems delivering home and community-based services and supports for people who are older or have a disability and for their caregivers.

The Administration for Community Living (ACL) is currently in the process of redesigning the National Ombudsman Reporting System (NORS), the reporting system used by the states to report data for the State Long-Term Care Ombudsman program (SLTCOP). This redesign is aimed at enhancing ACL's ability to understand SLTCOP operations, implement regulatory requirements, and better discern the experiences of long-term care (LTC) facility residents, among other changes.¹

¹ <https://www.federalregister.gov/documents/2016/08/08/2016-18736/agency-information-collection-activities-proposed-collection-comment-request-state-annual-long-term>

Concurrently, ACL is conducting a redesign of the State Program Report (SPR), which states utilize to report OAA program data. Similar to NASUAD's member perspective on the SPR redesign, NASUAD is supportive of the intentions and goals ACL has articulated regarding the NORS changes. However, NASUAD believes that the current timeline put forth by ACL is unreasonable and does not fully account for the systematic changes states will need to make to update their systems. The Federal Register notice states that the proposed modifications to NORS would be effective for FFY 2019-2021, which would establish an implementation date of October 1, 2018.

We further note, given that October 1, 2018, is only seven months away, states would experience significant challenges in bringing their systems up to date. Specifically, NASUAD has concerns in the following areas:

- Need for final specifications: there was no final list of requirements or data dictionary for states to use until February 23, 2018, when ACL officially published the final change package in the Federal Register.² However, this notice is still subject to public comment and could be further altered. States cannot fully begin implementation activities until these requirements are finalized, as it would be costly and inefficient to redesign systems and training procedures if alterations are made after states already began developing data systems, and finalizing contracts.
- Training: state agencies and SLTCOPs will require time and effort to bring staff and volunteers up to speed with new systems and processes.
- Systems changes/procurement: programs will require time and money to implement changes to their data systems, whether it be through contractual changes and updates to existing systems or by reprocurring a new system. If reprourement is needed, states may have to go through their state-specific appropriations process, which is cyclical and does not, in most cases, align with the Federal fiscal year or other timing considerations. Additionally, such procurements will likely be competitive and may potentially have to resolve any challenges raised once award are made. This will require a lengthy timeline to execute contracts, which is incompatible with the current deadline.
- Piloting and lessons learned: given that the final approval of data codes was just released, the current implementation timeline leaves little room for properly developing, piloting, and testing the new system to ensure effectiveness, let alone the time required to then make modifications before full execution.

Recommendation: NASUAD recommends that ACL delay the implementation date until Federal fiscal year 2021 (FY2021) or some other later date that adequately allows for states, Ombudsman programs, and other stakeholders to effectively implement the required NORS changes. This new implementation date also aligns with NASUAD's recommendation for the SPR redesign.³

² <https://www.gpo.gov/fdsys/pkg/FR-2018-02-23/pdf/2018-03767.pdf>

³ <http://nasuad.org/policy/federal-advocacy/advocacy-alerts/nasuad-submits-comments-regarding-redesign-existing-data>

Recommendation: NASUAD recommends providing additional administrative dollars to states in order to implement the NORS changes. This would assist states and Ombudsman programs with implementation and ease some concerns regarding training, systems updates, and procurement.

Given that these changes to the NORS system are the largest since 1995, as ACL notes in the solicitation for public comment, the implementation timeline should be reflective of this fact. We ask that ACL continue to work closely and collaboratively with states and Ombudsmen throughout the redesign process. If you have any questions, please contact Adam Mosey of my staff at amosey@nasuad.org or (202) 898-2578.

Sincerely,



Martha A. Roherty
Executive Director
NASUAD

