

Tax Debts Pose a Significant Challenge for Tax Institutions

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Abstract

In 2020, the Tax Administration of Kosovo implemented a tax debt collection reform with three main objectives. 1) Consolidation of personnel from 10 regional offices into a centralized facility; 2) Equitable allocation of work responsibilities; 3) Enhancement of debt collection efficiency. During the period from 2020 to 2022, the implementation of the reform resulted in a substantial improvement in debt collection efficiency, exceeding 100% compared to the pre-reform years. Currently, tax officers handle debt collection cases with well-defined responsibilities and tasks, and the distribution of duty is more fair. This study investigates the involvement of top management and staff in the development and reform of the Kosovo Tax Administration's debt collection function. It also compares its participation with that of other Balkan countries. Tax authorities in developed nations have constructed their tax systems around the concepts of taxpayer self-assessment and voluntary tax compliance. Consequently, each tax revenue agency must establish an environment that facilitates taxpayers in declaring and remitting taxes while also implementing measures to combat informal economic activities and promote legitimate business operations. These efforts are crucial for achieving optimal levels of voluntary compliance and fostering public confidence in the tax administration.

Keywords: Tax, Evasion, Taxpayers, Economy, Challenge.

INTRODUCTION

Given that debt payment is a recurring obligation for taxpayers to fulfill their tax and contribution duties as mandated by law, it is advisable for all taxpayers to make their payments promptly and within the legally prescribed timeframes. Nevertheless, there exists a group of taxpayers who fail to adhere to these legal obligations and accumulate debts to the state. The relevant legislation empowers the Tax Administration to implement processes for the retrieval of such debts. Furthermore, the Tax Authority included a significant number of businesses in its roster of debtors in 2020. The adverse effects of the COVID-19 pandemic led to their diminished liquidity, which consequently posed challenges in meeting their tax obligations. In 2020, the majority of tax authorities worldwide implemented initiatives to facilitate the process of submitting and paying taxes. Some of the primary actions taken by tax authorities in various jurisdictions included: extending the deadline for taxpayers to submit and pay their taxes.

Enrolling in debt repayment programs.

Implementation of a temporary halt to the process of collecting outstanding debts.

Expedited reimbursements to taxpayers.

The Arrears Ratios in Different Countries Around the World

A key metric for assessing the effectiveness of tax authorities is the proportion of outstanding tax payments in relation to the overall tax revenue.

For comparative purposes, "arrears" refers to the outstanding taxes that enterprises and individuals owe but have not yet paid. The tax administration is tasked with collecting these unpaid taxes. In addition to the tax base, this encompasses any accrued interest and penalties.

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Table 1. Average arrears ratio.

Arrears ratio	2018	2019	2020	Change in percent (between 2019 - 2020)
Total year-end arrears as percentage of net revenue collected (50 jurisdictions)	28.2	27.9	34.7	+24.4
Total year-end collectable arrears as percentage of total year-end arrears (41 jurisdictions)	51.8	52.5	55.3	+5.3

In more than 40 nations worldwide, the provided table shows the mean proportion of outstanding debts at the end of the year compared to the total tax revenue collected. When comparing the years 2020 and 2019, there is a noticeable and substantial rise in the amount of unpaid debt at the end of the year in relation to the total amount of income collected. The impact of the pandemic is responsible for the surge in arrears in 2020, despite no fluctuation between 2019 and 2018.

The 2020 statistics for 41 nations show that, on average, 55% of the total arrears are recoverable. The figure represents a growth of 5% in comparison to the data from 2019 (refer to the table above). The graph below illustrates the proportion of total net revenue that year-end arrears account for.

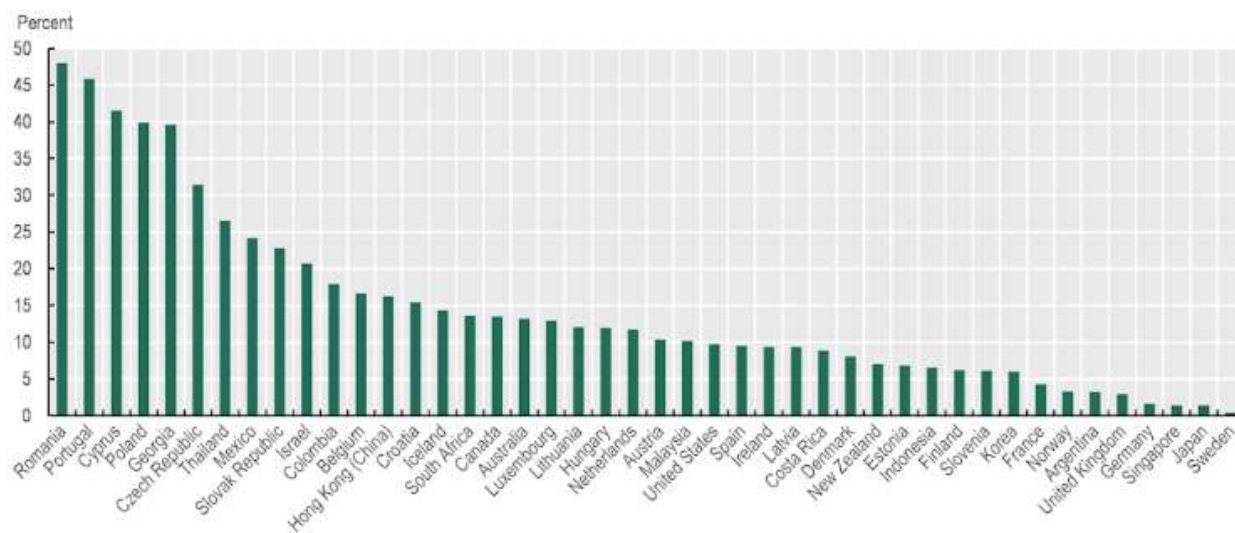


Figure 1. The proportion of total net revenue that represents the total year-end arrears.

According to statistics provided by certain Balkan countries, the summary of overall outstanding debts is as follows:

Albania - The Albanian Tax Administration said that the country's overall arrears at the end of 2021 amounted to approximately 136 billion ALL (equivalent to around 1.1 billion EUR).

In Kosovo, the Kosovo Tax Administration reported that the total outstanding sum at the end of 2021 amounted to 434 million EUR.

In North Macedonia, the Tax Administration reported that the entire amount of outstanding debts at the end of 2021 was approximately 28 billion NM Denars, equivalent to almost 465 million EUR.

According to the Romanian Tax Administration, Romania's outstanding debt at the end of 2021 amounted to approximately 25 billion EUR.

Difficulties in the Debt Recovery Process

1. **Debt** collection poses significant difficulties and challenges for the majority of governments in the Balkans and around the globe. The debt collection procedure encounters many primary obstacles:
2. Insufficient adherence to fiscal responsibility: In certain Balkan nations, the absence of fiscal discipline and the presence of corruption might have an impact on the retrieval of tax debts. The majority of taxpayers may exhibit a tendency to either fail to meet their tax obligations within the designated timeframe or cease making payments altogether.
3. In several Balkan countries, there is a deficiency in a strong payment culture, leading to a majority of people not meeting payment deadlines. This can result in an increase in tax liabilities, presenting difficulties for tax authorities in their endeavors to retrieve these unpaid sums.
4. The use of incorrect collection techniques: Certain tax authorities may employ coercive methods for debt retrieval, which, if involving physical aggression, could harm the institution's standing.
5. Changes in tax legislation and policies: If changes to the law are unclear and not adequately communicated to the business community beforehand, they could cause confusion and uncertainty when it comes to implementing and paying taxes.
6. One challenge faced by tax authorities in many nations is a shortage of personnel and inadequate computerized systems. This can impede the efficiency and efficacy of the debt collection procedure.

To tackle these issues in tax debt collection, tax authorities need to devise tactics that enhance tax compliance and facilitate tax payments.

Implementing organizational adjustments can be a potent strategy for tax administrations to enhance efficiency and effectiveness in the collection of tax obligations. It has the potential to alter the mandate, position, structure, reporting, and duties. The reforms encompass a variety of actions, including consolidating tax debt collection offices, reassigning staff to alternative roles, and establishing specialized teams. Although historical systems may pose difficulties, implementing organizational changes can lead to system enhancements and digitization. Here are the initiatives and actions taken by the Kosovo Tax Administration to improve tax debt collection and management:

Prior to 2019, the Assessment of Efficiency in the Debt Collection Indication in the Tax Administration of Kosovo consistently indicated unsatisfactory performance. Therefore, the Tax Administration of Kosovo formulated a plan to guarantee the implementation of new organizational procedures and approaches in the management of tax debts, assigning specialized teams to handle certain tax debt management operations. At its initial stages, the plan for improving the debt treatment process and assigning responsibilities involves implementing targeted actions across four (4) divisions within the Debt Collection Management Department. The main office of the Tax Administration in Pristina will house this department, which will act as a centralized hub for managing all taxpayer debts.

The primary role of this department involves implementing a blend of proactive and reactive approaches to managing debt collection. This includes:

Engaging in effective communication with taxpayers who owe money to the Tax Administration. This communication's purpose is to provide timely information to these taxpayers about their obligation to settle their tax debt. Through cooperation with the tax authorities, the aim is to make them understand that complying with applicable laws and regulations is the simplest and most appropriate way to fulfill their responsibilities as taxpayers.

Implementing suitable enforcement measures to collect outstanding debts in cases where taxpayers do not fulfill their obligations willingly.

The Overarching Goal of the Strategic Reform Implementation Document is to Provide a Comprehensive Framework for Executing Strategic Reforms

The main purpose of developing this document to consolidate the debt collection function is to enable the Kosovo Tax Administration (TAK) to actively support the project of managing and reducing the significant debt that TAK has been dealing with for an extended period.

The Strategic Document Clearly Outlines its Objectives

To successfully implement this reform, the team responsible for producing the text acknowledged the critical importance of addressing the following important concerns in order to achieve the overall objective:

Assess the current framework for the debt collection process at the TAK regional offices;

Establish the overall organizational framework for the debt collection function, which includes defining the central unit and the teams within it; Calculate the required number of job positions for each work process in the function.

Evaluate the ideal workload by appropriately distributing duties and responsibilities based on the staff count in this function, and

Identify the professional development requirements for the staff involved in the debt collection function.

Evaluation of the Existing Framework for Debt Collection Operations

The examination of the current organizational structure of the Tax Administration reveals that the debt collection function is divided into two distinct functional pillars: the functional pillar of operations and the functional pillar of programs and procedures.

Debt collection falls under the functional operations pillar.

The collection department for regional offices Prishtina 1, 2, and 3 is being strictly implemented.

Implemented a collection division in additional regional offices;

Implemented a collection division inside the Large Taxpayer Department.

Due to the scattered distribution of debt enforcement throughout multiple regional operating centers, there is a proposal to consolidate this function into a single center with a clear organizational structure and hierarchical framework. The goal is to implement a comprehensive and impactful reform to strengthen debt management, thereby reducing the significant backlog of existing debt.

Prior to the implementation of this change, TAK had not consistently performed any periodic assessments of staff workload. The facts shown in the table below clearly demonstrate the difference between the current number of people in the enforced collection pillar of operations and the associated workloads, considering both the number of cases and the sums of existing debts.

Table 2. Debt collection officers' workload report for the year 2019 in TAK.
Origin: Kosovo Tax Administration.

Office	Debt value (In mil)	Cases > €1000	Staff	Ratio
Prishtina 1	54.6	1204	6	1:200
Prishtina 2	32.2	415	6	1:69
Prishtina 3	35.8	796	5	1:159
Gjilan	17.1	860	10	1:86
Ferizaj	26.4	961	10	1:96
Prizreni 1	21.9	1880	4	1:470
Prizreni 2	20.2	1215	4	1:304
Gjakova	7.4	1345	6	1:224
Peja	16.3	976	5	1:195
Mitrovica	16.4	758	17	01:45
Total	264.2	10 528.	70	

Prior to the reform, the organizational structure did not require any explicit staff categorization for the organization of the debt collection function. In the previous scenario, the officers were responsible for all stages of the debt collection process, including both initial actions and more severe tactics of forced collection. The restructuring of this function will achieve staff specialization for specific roles.

Given the current situation, it is crucial to create and manage a centralized center for debt collection. A director from the department should lead this center. Additionally, it is necessary to assign specific roles and responsibilities to staff members based on the four main areas of work.

Overview of the Enforced Collection Department's Organizational Structure

We have decided to introduce a new structure to enhance the efficiency and effectiveness of debt collection. This initiative aims to optimize resource utilization, enhance decision-making processes, and ensure a more streamlined implementation of debt collection procedures. The goal is to have multiple specialized teams involved in the enforced collection processes, rather than relying on just one team.

Based on a thorough analysis and reasoning of the current situation and the planned reforms to enhance debt management and reduction, the Debt Collection Function's organizational structure will serve the project at hand. It is essential to perceive this organizational structure not just as a traditional table illustrating positions but as a well-designed system that is in harmony with work procedures and standards and influenced by the expertise and suggestions of the International Monetary Fund (IMF).

The debt collection function's organizational structure complies with the legal regulations governing the institution's internal organization standards. As a result, it fully complies with the applicable legal regulations. The General Director of the Tax Administration of Kosovo has approved this structure based on the authority conferred by Article 3 of Law No. 03/L-222 on the Tax Administration of Kosovo.

The Debt Collection Management Department is located inside the main operational pillar of operations and will be supervised by the Department Director. The director will be responsible for their actions and will directly report to the Deputy Director General for Operations.

The proposed organizational structure involves centralizing the debt collection function in Pristina. This will be done by establishing a debt collection management department, which will consist of four sections.

Establishment of a new division dedicated to debt collection;

Division for Fundamental Collection Operations;

Division responsible for implementing and ensuring compliance with measures;

The division is responsible for handling post-collection action cases.

1. Establishment of a new division dedicated to debt collection: This division has been established to take on the tasks and obligations of delivering an early response to debt concerns, with a particular emphasis on freshly incurred debt.

2. Division for Fundamental Collection Operations: The main goal of this Division is to carry out essential actions, as specified in tax legislation, to collect debts from taxpayers who have failed to fulfill their commitment to pay promptly and willingly. The steps implemented by this division include a range of actions, such as seizing movable assets, including the restriction of bank accounts and the suspension of monies in the Treasury. Furthermore, the division has the authority to impose limitations on the right to import products, essential items, or raw materials as part of the debt collection procedure.

3. The division is responsible for implementing and ensuring compliance with measures. The establishment of this division is to carry out the process of debt enforcement in accordance with the duties and obligations specified in tax legislation and enforced collection methods. These processes involve the seizure of a taxpayer's real estate and assistance in selling the seized property. Complying with the protocols set forth by the applicable tax laws.

4. The division is responsible for handling post-collection action cases. The establishment of this division serves the purpose of supervising agreements concerning various tax entities that are not covered by the Law on Business Organizations, such as socially owned enterprises (SOEs), budget organizations (BOs), agricultural cooperatives, and similar entities. If attempts to recover debt are unsuccessful, the division is responsible for commencing legal proceedings. These actions may involve creating detailed documents to begin criminal reporting procedures against taxpayers suspected of tax evasion or misuse of authorizations in the economy. Additionally, the division is responsible for preparing documents to initiate procedures in the appropriate court for the liquidation of assets belonging to a tax entity. It works closely with the Tax Administration's Representations section and coordinates activities in this field.

Assessing The Employee Count Within the Debt Collection Department and Addressing Any Related Concerns

Every team in the organizational structure will have a sufficient number of enforcement officers and tax collectors. These individuals will complete their tasks and obligations as outlined in their job descriptions, and they will regularly inform their team leaders about their progress and any updates.

A thorough examination of the workload determines the assignment of enforcement officers and tax collectors to each team in the division. A specialized task force, under the General Director's authority, conducts this study.

According to the Project of Consolidation of Debt Collection into a single center in Pristina, there is a need to move the tax administration professionals who are now working in enforced collection units from their regional offices to Pristina.

The Human Resources Division is tasked with managing personnel transfers and ensuring strict compliance with the provisions established in Law No. 06/L-114 for Public Officials. Article 54 specifically directs the division to handle staff transfers resulting from the Tax Administration's reorganization or restructuring, including the Enforced Collection function. These laws permit the transfer of all current enforcing collection employees from regional offices to the centralized hub in Pristina. However, a legitimate medical certificate confirms that an officer cannot transfer due to health concerns in certain situations. In addition, transfers are not possible when the work station is located more than 100 miles away from the officer's dwelling.

The Human Resources Division will ensure that officers transferring due to institutional requirements receive adequate compensation for their travel expenses. The Regulation on the Description of Duties and Responsibilities of Civil Servants will guide the preparation of duties and responsibilities for positions in the structure, as well as the definition of skills, competencies, qualifications, experience, and other necessary criteria for the successful execution of work processes in this function.

The descriptions will be jointly produced by officials from the Enforced Procedures Division and Collection Quality in collaboration with the appointed heads of posts within this organization. Throughout this process, we will maintain close collaboration with the Human Resources Division, utilizing specific templates created for this purpose. This preparation will take into account all provisions of tax legislation, namely the Manual of Enforced Collection Procedures, to ensure thorough and precise documentation.

Evaluating the Professional Development Needs of Individuals Assigned to the Debt Collection Position

Undoubtedly, human resources management is recognized as a strategic and unique method of supervising the most valuable resource of any firm: its personnel. These individuals, both as a group and individually, have a crucial role in achieving the organization's goals. Human resources management is more than just the process of hiring new employees. It also includes important elements such as training and developing the existing TAK staff. Furthermore, TAK links the compensation of its employees to their performance.

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To effectively carry out this role, it is essential to develop human resources and improve the skills of employees. This includes increasing their knowledge of the methods, techniques, and processes used in the Tax Administration of Kosovo. These efforts are vital and necessary for TAK to achieve its main goals.

The annual planning of training in TAK is carried out methodically through the use of the Training Needs Assessment (TNA) tool. This tool is an online form that all TAK staff members are required to fill out. We carefully assess the results from this template and arrange training sessions based on the stated requirements and the volume of requests for specific training subjects. The same technique also determines the involvement of TAK officers in overseas training programs, supplemented by additional on-site evaluations.

The importance of staff training goes beyond debt collection management, focusing on improving professional skills and expanding knowledge. The aim is to enable every officer to make the most significant contribution towards achieving TAK's overall objectives.

After completing the initial training program that is designed around the new structure of the debt collection function, a proactive approach will be adopted to determine the specific training requirements of the staff involved in debt collection. This will be achieved by creating questionnaires in partnership with the Training Division and Debt Collection Procedures Division. Subsequently, these surveys will be disseminated throughout the workforce with the purpose of discerning the primary obstacles they face in their day-to-day tasks. By utilizing this template, the training may be customized to cater to specific groups and be directly connected to tangible problems.

This technique enables employees to actively participate in identifying their training requirements, promoting a sense of ownership over their professional growth instead of relying primarily on senior management to determine their training needs. As a result, it not only boosts their enthusiasm to engage in a training program that specifically tackles their actual difficulties but also strengthens their sense of responsibility in carrying out their obligations and tasks.

The outcomes of the debt collection function reform within the Tax Administration of Kosovo (ATK) are as follows.

According to official data from the Tax Administration of Kosovo, there has been an improvement in debt collection performance from 2020 to 2022 compared to previous years.

Table 3. The DCMD findings for the time frame of 01.01–31.12.2022 were obtained from the Tax Administration of Kosovo.

DCMD results for the period 01.01 - 31.12.2022 and comparison with previous years					
	Period	Collection	Comparison	Comparison in %	Comparison in amounts
Collection	01.01-31.12/ 2022	€156,692,575	2022/2021	124.54 %	30,873,202 €
	01.01-31.12/ 2021	€125,819,373	2022/2020	176.50 %	67,913,927 €
	01.01-31.12/ 2020	€88,778,648	2022/2019	157.75 %	57,361,850 €
	01.01-31.12/ 2019	€99,330,725	2022/2018	202.15 %	79,179,115 €
	01.01-31.12/ 2018	€77,513,460	2022/2017	244.37 %	92,570,483 €
	01.01-31.12/ 2017	€64,122,092	2022/2016	252.77 %	94,702,839 €
	01.01-31.12/ 2016	€61,989,736			

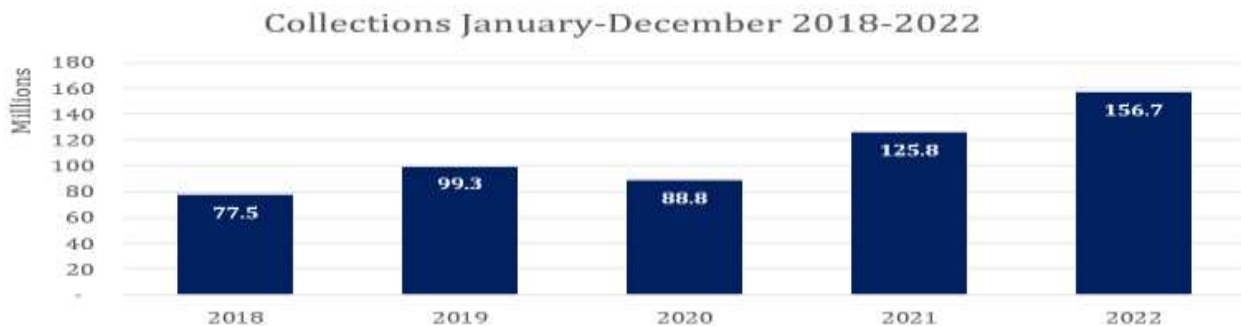


Figure 2. Collected amounts from January-December/2018-2022.

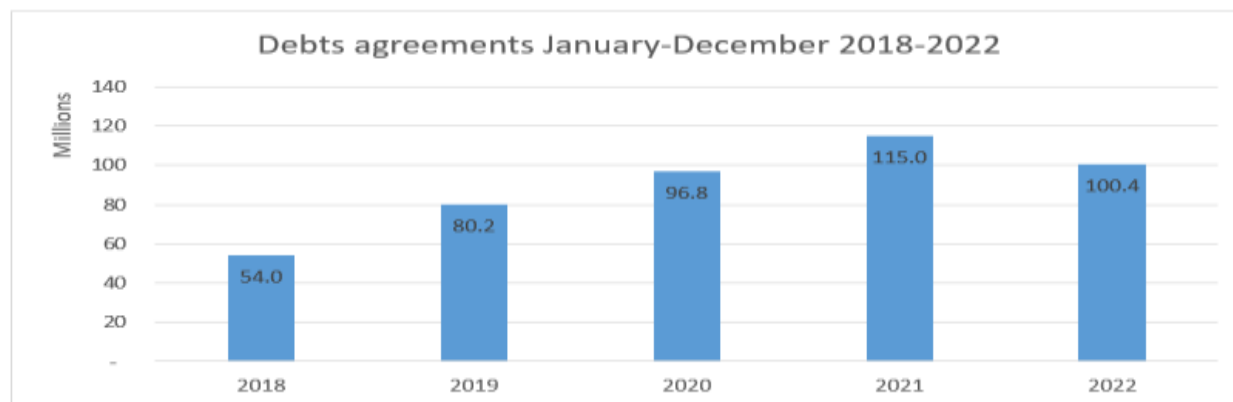


Figure 3. Debts Agreements January-December/2018-2022.

CONCLUSION

The involvement of senior management and other resources in the transformation of TAK:

Due to senior management's decisive actions, TAK was able to successfully execute numerous improvements in the institution's core operations. One notable reform implemented was the restructuring of the debt collection function. This reform received widespread acclaim from both international and local institutions. The culmination of its success came in October 2022, when the IMF, during an international conference in Kosovo, recognized the reform of the consolidation of the debt collection function as a model for tax administrations in the Balkan region.

No information was provided. The active participation of other staff members, who readily accepted the improvements due to the efficient structuring of the reform program, facilitated the successful implementation of the reforms in TAK.

RECOMMANDITION

Establishing external connections between electronic systems and affiliated entities. the process of hiring new employees that possess a high level of professional training and qualifications. Enhancing the scope of the statute to encompass all circumstances involving bonds.

Seeking a lawful resolution for the annulment of past liabilities.

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