

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## CONSUMER FACTSHEET: RESIDENT & FAMILY COUNCILS

Resident and Family Councils can play a very important role in improving care and quality of life in a nursing home. However, residents and families can face challenges in respect to organizing and meeting in a way that is independent of the facility staff and enables them to make their voices heard.

The new federal nursing home standards clarify and strengthen requirements for nursing home Resident & Family Councils. Following are relevant provisions in the regulations that you can use to support a vibrant and effective Resident or Family Council in your nursing home.

Please note: (1) Text in italics is directly from the federal regulations. (2) Brackets provide references to the federal regulations and the F-tag number (used when a facility is cited for failing to meet the requirement). (3) These standards are applicable to all residents in licensed nursing homes in the United States, whether they are short-term or long-term, private pay, Medicaid, Medicare or have another type of insurance. (4) Where the resident lacks capacity to make decisions and/or has assigned decision-making to someone else, that person takes the place of the resident in exercising these rights.

### What is a Resident or Family Council?

The new federal regulations specify that residents and families have the right to join together to:

- Discuss and offer suggestions about facility policies and procedures affecting residents' care, treatment, and quality of life;
- Support each other;
- Plan resident and family activities;
- Participate in educational activities; or
- For any other purpose.

## THE LAW

### I. Resident & Family Councils [CFR 483.10(f)(5) F-565]

***The resident has a right to organize and participate in resident groups in the facility.***

- *The facility must provide a resident or family group, if one exists, with private space; and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.*
- *The resident has a right to participate in family groups.*
- *The resident has a right to have family member(s) or other resident representative(s) meet in the facility with the families or resident representative(s) of other residents in the facility.*

- *Staff, visitors, or other guests may attend resident group or family group meetings only at the respective group's invitation.*

## **II. Facility Responsibilities for Resident & Family Councils**

- *The facility must provide a designated staff person who is approved by the resident or family group and the facility and who is responsible for providing assistance and responding to written requests that result from group meetings.*
- *The facility must consider the views of a resident or family group and act promptly upon the grievances and recommendations of such groups concerning issues of resident care and life in the facility.*
  - *The facility must be able to demonstrate their response and rationale for such response.*
  - *This should not be construed to mean that the facility must implement as recommended every request of the resident or family group.*

### **Considerations for Resident-Centered Advocacy**

- Residents and families have the right to form and participate in a Council.
- Residents have the right to be a member of the Family Council and to decide if their family member or other designee participates in a Family Council.
- Nursing homes are required to provide a private space for Council meetings and can only have a staff person in attendance if he or she is invited by the Council.
- The nursing home must have a designated staff person who has been approved by the Council and is responsible for providing assistance to the Council and responding to written requests from the Council.
- Nursing homes must consider the Council's concerns and recommendations. While they are not obliged to do everything that the Council wants, nursing homes are required to demonstrate their response to the Council's concerns and recommendations and provide a rationale for their response.
- When the state surveyors come for an inspection they should be interviewing representatives from Resident and Family Councils to determine if these requirements are being fulfilled. For example, they should ask:
  - How are views, grievances or recommendations from the Council considered, addressed and acted upon? and
  - How do facility staff provide responses, actions, and rationales to the Council?

### **RESOURCES**

- [WWW.NURSINGHOME411.ORG](http://WWW.NURSINGHOME411.ORG). LTCCC's website includes a variety of resources to support resident-centered advocacy, including all of our webinar programs and fact sheets.
- [WWW.THECONSUMERVOICE.ORG](http://WWW.THECONSUMERVOICE.ORG). The Consumer Voice has numerous materials and resources for residents, family members and LTC Ombudsmen, including substantial resources on developing and empowering a family council.