



FACT SHEET

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

Family Councils

 canhr.org/family-councils/

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One of the best ways to improve nursing home care is to organize and participate in a family council. A family council is an organized group of relatives and friends of residents who meet regularly to discuss and address concerns about quality of care in the nursing home.

Purpose of a Family Council

The primary purpose of a family council is for families, as a group, to influence the quality of residents' care. Whatever affects the residents' lives is a proper concern of the family council, whether it's the atmosphere of the facility, the role of the medical director, the day-to-day care, respect for resident rights or the activity program.

Family councils are not merely "gripe" sessions. An effective family council allows its members to meet without facility staff (and thus, without fear of retaliation), share concerns, and submit the group's concerns in writing to the administrator.

By presenting a united voice with mutual concerns, members need not fear being isolated and threatened, and they can address the problems of **all** residents, rather than a few. Family councils help prevent problems and guide members on how to assert their rights and seek action on legitimate complaints.

Benefits of a Family Council

Family councils offer a forum to communicate with the facility staff. Facility staff should be invited to specific meetings at specific times to discuss specific concerns. For example, if one concern involves dietary issues, invite the dietician to talk to the council, answer questions and address these concerns. It's always better to have the staff on your side, if possible, since they are the ones who provide the direct care.

Family council members benefit directly from sharing information, support and encouragement. By working together to solve problems, families feel less isolated and powerless.

Family Council Rights

California has the strongest protections and laws for family councils in the nation! In January 2001, SB 1551 (Dunn) became law. This law provides important rights for family councils in California nursing homes and establishes significant obligations for facilities with regard to family councils.

- Family councils shall be allowed to meet in a common room of the facility at least once a month.
- The facility must designate a staff person who is responsible for providing assistance and responding to written requests that result from family council meetings.
- The facility must respond to written requests or concerns of the family council within 10 working days.
- The facility must provide the council with adequate space to post notices, minutes, newsletters or other information pertaining to the operation or interest of the family council.
- The facility shall include notices of the family council meetings in quarterly mailings, and shall inform family members and representatives of new residents of the council's existence and of the time, place and date of meetings.
- Facilities are prohibited from willfully interfering with the formation, maintenance or promotion of a family council. "Willful interference" includes discrimination, retaliation or the willful scheduling of events in conflict with a previously scheduled family council meeting.

- Violation of the law can result in a citation and penalty of up to \$3,000.

“Family Council” is defined by law as a meeting of family members, friends, or representatives of two or more residents to confer in private without facility staff. HSC §1418.4(c).

Staff or visitors may attend family council meetings only at the group’s invitation. HSC §1418.4(e).

California’s family council law is found at Section 1418.4 of the California Health and Safety Code. Federal law and regulations establish similar rights and authority for family councils at Title 42, United States Code, Section 13965(c)(1)(A)(vii) and at Title 42 Code of Federal Regulations, Section 483.10(f)(5)-(7).

Getting Organized

Organizing a family council can seem like a big job but it does not have to be. It is usually best to keep organizing activities simple. To get started, take these steps:

- Recruit a few like-minded family members to plan and sponsor a first meeting;
- Meet with the administrator to make arrangements and seek cooperation; and
- Publicize the meeting.

It is a good idea to involve the residents in the meeting. Make interested residents feel welcome. Their voices are the ones that seldom get heard.

Although the council will need to select leaders at some point, it is very common for this process to be informal at first while family members are getting to know one another.

Contact CANHR to get more detailed information about planning and promoting family council meetings, seeking administrative support from the nursing home and setting up a leadership structure. Learn from the experience and success of others!

Communicating Concerns

If there are many concerns about the facility, the family council must choose its battles wisely. It is unrealistic to expect all of your concerns to be dealt with at once. Lay out the issues and then prioritize. Select a concern or two of direct importance to residents, or choose less serious issues first, and see how the administrator responds. The issues and/or concerns should be agreed upon at the end of the meeting, and the format and tone of conveying the message should be agreed upon.

Put your message in writing! If you don't put it in writing, don't expect a timely response. It should be directed to the administrator or the staff liaison. Be concise and direct. Give examples of the problem without using residents' names.

Information and Support

Supporting family councils is a top CANHR priority! CANHR staff members are available to answer your questions, make suggestions and meet with your council.

CANHR has great information to help you plan and organize your family council. A booklet, "Organizing Family Councils in Long Term Care Facilities," gives helpful organizing suggestions and includes a sample letter to the administrator, minutes and a recommendation form. Another valuable resource is CANHR's free online video: Family Councils: Making a Difference. It shows how families can create change in nursing homes.

To download or order these materials, visit the Family Councils section of the CANHR website, or call us at 800-474-1116.

CANHR also offers a wealth of information on residents' rights, nursing home care standards, facility performance, Medi-Cal and other important topics. Visit our website, or call us for publication information.