

RESIDENT COUNCIL BASICS AND INSIGHTS FOR ADVOCATES

2023

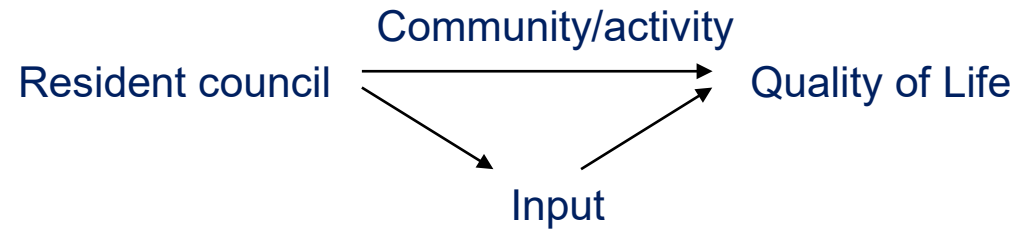
Welcome and Introduction

- The Consumer Voice is the leading national voice representing consumers in issues related to long-term care, helping to ensure that consumers are empowered to advocate for themselves. We are a primary source of information and tools for consumers, families, caregivers, advocates and ombudsmen to help ensure quality care for the individual.
- The National Long-Term Care Ombudsman Resource Center provides support, technical assistance, and training to the 53 State Long-Term Care Ombudsman Programs and their statewide networks. 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).

WHAT IS A RESIDENT COUNCIL AND WHY ARE THEY IMPORTANT?

Resident Councils Are:

- both a community gathering and an opportunity for residents to provide input on their care.



- a group of residents with a purpose.
- a forum whose purpose is to create opportunities for residents to execute meaningful decisions.
- a working combination of process, task selection, and task completion.

What are the Benefits?

- Resident Councils offer benefits to residents, staff, and the facility when they are structured properly.
- A forum for their voice
- Safety in numbers
- Contributing to quality of life and care in their community
- Involved residents are healthier



What Does a Resident Council Do?

- Meets regularly, usually at least once a month.
- Participates in decision-making that affects the environment, care, and treatment of all residents.
- Verbalizes concerns and supports one another.
- Asks questions and makes recommendations to the facility regarding collective concerns.
- Obtains information from facility staff on issues that impact residents.
- Forms committees to address special interests (e.g., food committee).

THE ROLES: WHO DOES WHAT?

What are the Roles?

- Residents
- Staff Facilitator
- Staff
- Administration
- Family
- Community
- Ombudsman



Role of the Ombudsman

- If a Resident Council doesn't already exist, encourage residents to start one.
- Assist residents, if asked, in advocating for their involvement in all aspects of their life at the facility.
 - Resident routine
 - Individualized care
 - Hiring new employees
 - Responding to call lights
 - Dining experience
 - Bathing experience
- Empower residents to have the power and authority to run their own Council.
- Attend meetings when invited.
- Provide facility staff with information regarding their role in supporting the Resident Council.
- Promote Resident Council participation.

Supporting the Development of a Resident Council

A Resident Council already exists, how do you support them?

- Connect with the President
- If invited, go to a meeting and act as a resource person
- Ask if they need assistance
- Promotion
- Education about regulations, best practices, and good care
- Share examples from other resident councils
- Support must be ongoing

A resident says they want to start a resident council, what do you do? Encourage them to...

1. Have a brainstorming session.
2. Conduct an exploratory meeting.
3. Conduct an organizational committee meeting.
4. Create a plan.
5. Implement the plan.

STRUCTURE

Organizing A Council

- Agenda
- Bylaws/procedures
- Minutes
- Protocol for officers
 - Meet at the door
 - Start and end on time
 - Recognize all, listen to concerns
- Protocol for attendees:
 - Nametags
 - Arrive on time
 - Participate and listen



Council Structures

- **Highly Structured** – has bylaws, officers, committees
- **Informal Structure** – no bylaws, officers, or committee,
- **Town Meeting Model** – effective in smaller homes where each resident is considered a member and encouraged to attend
- **Representative Model** – effective in larger homes where representatives from various areas of the facility are elected to represent other residents
 - Ex: East wing representative or 3rd floor representative
- **Committee Model** – six to ten residents serve on committees that function similar to the representative model
- **Choose your own structure** - there is no right or wrong structure. It is what works for your group, and it can change often.

What Type of Issues do Resident Councils Work On?

- Grievance procedures
- Information
- Education
- Problem Solving
- Activities
- Special Projects & Fundraising
- Discussion



PROMOTION & RETENTION

Promoting a Resident Council

- CONSTANT
- Fliers, newsletter, bulletin board
- Personal contact & encouragement
- Wing representatives
- Buddy system
- Organization
 - Regular meeting time and location, room to move, microphone, visual aids, refreshments
 - Resources – large print agenda, minutes, supplies
- Recognition
- Don't get discouraged



Increase Participation

- Address issues, share progress and results early and often
- Constantly promote the Council
- Ensure residents have assistance getting to the meeting
- Support leadership
- Discuss residents' rights, role of facility, staff and ombudsmen
- Make sure meetings are productive, efficient, and fun
- Promote the positive, address the negative
- Create committees
- Have a representative from each floor
- Handle the complaints

Keep them coming back!

- Evaluation
- Suggestion box
- Recognition
 - Certificates or plaques
 - Recognize both residents and staff
- Retention and maintaining the Resident Council
 - Promote the benefits and accomplishments of the council
 - Circulate a meeting agenda
 - Invite staff to present and listen
 - Understand what motivates members
 - Self interests, results, recognition



A Model Resident Council

- Residents run the Councils.
- The Council receives support, but not interference, from facility staff.
- Residents feel comfortable speaking freely and raising issues.
- Residents are treated in a dignified manner, their issues are taken seriously, and concerns are promptly addressed by the appropriate departments.
- Residents have access to information as needed and requested by the Council.
- Different committees address the issues raised and then follow-up at the next meeting.
- The Council is a vehicle to bring about positive changes for all residents in the facility.

Who are the winners?

- Residents
- Administrators
- Staff
- Family
- Ombudsmen
- Community



**WHAT RIGHTS DO RESIDENTS
HAVE? WHAT ARE FACILITIES
REQUIRED TO DO? WHAT ABOUT
THE OMBUDSMAN PROGRAM?**

Let's Look at the Nursing Home Regulations!

42 CFR 483.10(f)(5): The resident has a right to organize and participate in resident groups in the facility.

(i) 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.

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

(iii) 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.

(iv) 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.

(A) The facility must be able to demonstrate their response and rationale for such response.

(B) This should not be construed to mean that the facility must implement as recommended every request of the resident or family group.

What Does the LTCOP Rule Say?

- 1324.13(a)(9) – Functions and responsibilities of the State Long-Term Care Ombudsman.
 - “Promote, provide technical support for the development of, and provide ongoing support as requested by resident and family councils to protect the well-being and rights of residents; and”
- 1324.19(a)(6) – Duties of the representatives of the Office.
 - “Promote, provide technical support for the development of, and provide ongoing support as requested by resident and family councils; and”

OAA Reauthorization of 2016

Section 712(3)(H)(iii) – State Long-Term Care Ombudsman Program:

“provide technical support for, **actively encourage, and assist in** the development of resident and family councils to protect the well-being and rights of residents;”

What About State Law?

Add your state laws here.

And so...

Residents have the right to organize and participate in a council and facilities have obligations they must meet to make this happen.

Your responsibility:

- Help encourage and support the development of resident council
- Advocate with residents so their facilities fulfill their obligations
- Attend meetings periodically with permission of resident council

ADVOCACY



WHY DOES THIS MATTER?

What Steps Can Resident Councils Take to Advocate for an Issue?

1. Develop a plan/agenda
2. Identify leadership
3. Ask for and use resources and community information provided by LTCOP
4. Continued action

Develop a Plan or Agenda

What are the priorities of the Resident Council?

What issues does the Resident Council need to resolve?

Can they resolve these issues internally (by talking with the facility administrator and staff) or do they need to solve them externally and go outside of the facility?

Leadership & Additional Resources

Residents should identify the leadership on each complaint/issue. Any number of residents can take lead on any issue.

Encourage residents to get the word out by talking to other residents, family members, and posting notices in the facility and community if they can.

Work to Make Change: Inside of the Facility



Improve the lives of residents in the facility.

Work with the facility to make change.

Talk to the administration.

Work to Make Change: Outside of the Facility

- File a complaint with the state survey agency
- File a complaint with CMS

If that doesn't work...

DO MORE!

- Reach out to legislators
- Reach out to government agencies
- Share stories with a wider audience
- Write letters, make phone calls, send emails, use social media
- Use the press
- Get involved!

What can you do to help residents effect systemic change?



- Provide education & information when invited
- Help brainstorm ideas when asked
- Support and advocate



THE TIME IS NOW

The Pandemic



The Biden Administration's Nursing Home Reforms





Resident Voices are Key

Concrete Examples of Making Change

Address their
concerns with
their
representatives

Ask their
representatives
to sponsor a bill

Send petitions

Write letters

Submit
testimony

Speak out

Use social
media

Share stories!



What else? Engage the Community!

Get Involved in Consumer Advocacy Organizations!

- Join Consumer Voice and other national organizations like them
 - Connects Resident Council members to people who share their concerns
 - Keeps members updated on the latest news, regulations, information, and policy changes in long-term care
 - [Consumer Advisory Council](#)
 - Resident Council members can join here:
<http://theconsumervoice.org/about/membership>
- Join state consumer advocacy organizations
 - Opportunity to get more involved at the local and state level

Consumer Engagement Tips

- Ensure Resident Council meetings are resident-directed
 - Support the residents in brainstorming and logistics if necessary
- Provide information to residents about self-advocacy, problem solving and communication
- Give the Resident Council materials to pass out to other residents in the nursing facility
 - Consumer Voice website: <http://theconsumervoice.org/issues/recipients/nursing-home-residents/resident-council-center>
 - NORC website: <http://ltcombudsman.org/nursing-homes/information-to-share-with-consumers>

QUESTIONS?

RESOURCES

Resources

- Resident Council Rights in Nursing Homes

https://theconsumervoice.org/uploads/files/long-term-care-recipient/Resident_Council_Rights_Fact_Sheet.pdf



The National
CONSUMER VOICE
for Quality Long-Term Care
formerly NCCNHR

FACT SHEET

RESIDENT COUNCIL RIGHTS IN NURSING HOMES

The Nursing Home Reform Law guarantees nursing home residents a number of important rights to enhance their nursing home experience and improve facility-wide services and conditions. Key among these rights is the right to form and hold regular private meetings of an organized group called a resident council.

Facilities certified for Medicare and Medicaid must provide a meeting space and respond to the council's concerns. Nursing facilities must appoint a council-approved staff advisor or liaison to the resident council, but staff and administrators have access to council meetings only by invitation of the resident council.

Specifically, the federal law includes the following requirements for resident councils:

- The facility must provide a resident council, if one exists, with a private space for meetings.
- The facility must take reasonable steps, with the approval of the resident council, to make residents and family members aware of upcoming meetings in a timely manner.
- The resident council meetings are closed to staff, visitors, and other guests. For staff, visitors, or other guests to attend, the resident council must invite them.
- The facility must provide a designated staff person who is approved by the resident council and the facility to provide assistance and respond to written requests from the resident council.
- The facility must consider the views of a resident council and act promptly upon grievances and recommendations of the resident council concerning issues of resident care and life in the facility.
 - The facility must be able to demonstrate their response and rationale for their response.
 - However, the right to a response does not mean facilities are required to implement every request of the resident council.

For more information and resources on residents' rights
go to, www.theconsumervoice.org.

National Consumer Voice for Quality Long-Term Care (formerly NCCNHR) is a nonprofit organization founded in 1975 by Elma L. Holder to protect the rights, safety and dignity of American's long-term care residents.

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Tel. 202.332.2275, email: info@theconsumervoice.org, website: www.theconsumervoice.org

Resources

- Resident Councils: What's the Law?

https://ltcombudsman.org/uploads/files/support/Resident_Councils_Whats_the_Law.pdf

Resident Councils: What's the Law?

Federal Nursing Home Regulations

§483.10 Resident Rights.

(f) Self-determination. The resident has the right to and the facility must promote and facilitate resident self-determination through support of resident choice, including but not limited to the rights specified in paragraphs (f)(1) through (11) of this section.

(5) The resident has a right to organize and participate in resident groups in the facility.

(i) 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.

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

(iii) 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.

(iv) 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.

(A) The facility must be able to demonstrate their response and rationale for such response.

(B) This should not be construed to mean that the facility must implement as recommended every request of the resident or family group.

Long-Term Care Ombudsman Rule

§1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman

The Ombudsman, as head of the Office, shall have responsibility for the leadership and management of the Office in coordination with the State agency, and, where applicable, any other agency carrying out the Ombudsman program, as follows.

(a) Functions. The Ombudsman shall, personally or through representatives of the Office—

(9) Promote, provide technical support for the development of, and provide ongoing support as requested by resident and family councils to protect the well-being and rights of residents; and

Resources

- Ways for Residents to Overcome Obstacles to Resident Council Development

<https://ltcombudsman.org/uploads/files/support/resident-councils-overcoming-challenges-4-14-17.pdf>

Ways for Residents to Overcome Obstacles to Resident Council Development

OBSTACLES	POSSIBLE SOLUTIONS
Residents lack interest	<ul style="list-style-type: none">• Talk to the residents about the Resident Council. Ask them about how they feel about the care they receive and any ideas they have about needed improvements. Residents will respond to a personal invitation more readily than a letter or flier.• Explain the rights of Resident Councils to the resident and the potential that Resident Councils can have to promote improvements for them.• Introduce the concept of a Resident Council in a positive way. Resident Councils can be useful for advocacy as well as information sharing and support. All nursing homes have room for improvement and new ideas.
Residents fear retaliation	<ul style="list-style-type: none">• Point out that issues or concerns will be presented to the facility administration as a group, not an individual, concern.• Tell the residents that no one person's name will be provided.• If residents are reluctant to be seen at Resident Council meetings, discuss the possibility of submitting anonymous suggestions.• Explain that Resident Council members give each other support and strength.• Present the Resident Council positively to both residents and nursing home personnel.
Council members get easily discouraged	<ul style="list-style-type: none">• Suggest residents pick both short and long-term "achievable" goals so that the Council can see concrete progress. Make sure that Council goals are firmly rooted in the common concerns and interests of the members.• Meet at least once a month to assure continuity and ability to identify goals and work toward them.• Address the negative but focus on small positive changes.
Residents need more information and education on Resident Councils	<ul style="list-style-type: none">• Suggest the resident use the Ombudsman program as a resource.• Encourage residents to contact the National Consumer Voice for Quality Long-Term Care or the National Ombudsman Resource Center with questions or need for guidance.• Encourage residents to ask the facility to arrange for speakers of interest.

Resources

- Residents' Rights: Your Life, Your Care, Your Choices
 - Prezi - clickable, without voiceover
 - Prezi script
 - Consumer Education PowerPoint
 - In-Service PowerPoint
- <https://ltcombudsman.org/issues/residents-rights#Consumers>



Additional Resources

- NORC Family and Resident Council Issue Page
<https://ltcombudsman.org/issues/family-and-resident-councils>
- Consumer Voice Resident Council Center
<https://theconsumervoice.org/issues/recipients/nursing-home-residents/resident-council-center>

Do You Receive Our Emails?

Join our database to receive webinar notifications and more.

To receive our emails directly, use this link to sign up now:

<https://ltcombudsman.org/sign-up>





The National Long-Term Care Ombudsman Resource Center

Connect with us:

www.theconsumervoice.org | www.ltcombudsman.org
info@theconsumervoice.org | ombudcenter@theconsumervoice.org



**The National Consumer Voice for Quality Long-Term Care
The National LTC Ombudsman Resource Center**



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