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
Resources

- Resident Councils: What’s the Law?  
Resources

• Ways for Residents to Overcome Obstacles to Resident Council Development
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?

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https://ltcombudsman.org/sign-up