



**The National Long-Term Care
Ombudsman Resource Center**

Technical Assistance (TA) Talk

Resident Councils

March 30, 2022

Welcome!

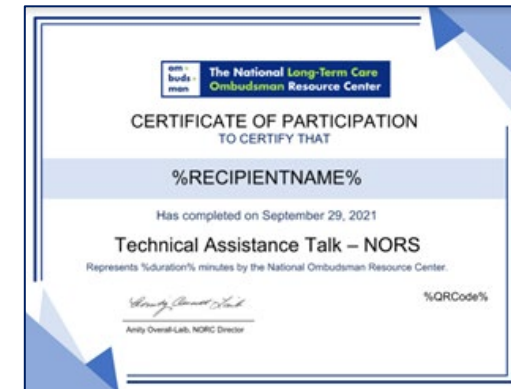
NEW Technical Assistance (TA) Talks

- Informal, quarterly calls on specific topics.
- Hosted on Zoom and livestreamed on Facebook
- Opportunities to learn from your peers and receive technical assistance
- Ideas for topics? Email ombudcenter@theconsumervoice.org



NEW Certificates of Participation

- Assist representatives in achieving their annual in-service training/continuing education.
- Must participate in live Zoom training for at least 30 minutes.
- Certificate will include name, training details, and amount of time on webinar.
- FAQs - https://ltcombudsman.org/omb_support/training/certificates



Housekeeping...

- Please do not unmute your line unless you raise your hand, and we call on you.
- You can only ask questions via audio or chat on Zoom, not via the Facebook livestream.
- You can submit questions in the chat at anytime and we will try to address them during the discussion.
- Please complete the evaluation using the link provided in chat and the closing slide after the call.



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;”

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

Speakers

Stephanie Wheeler, Alaska State Ombudsman

stephanie.wheeler@alaska.gov

Patty Ducayet, Texas State Ombudsman

Patricia.Ducayet@hhs.texas.gov

Melissa Tye Whitaker, Managing Local Ombudsman, Amarillo, Texas.

mwhitaker@theprpc.org



T.A.TALKS RESIDENT COUNCILS

STEPHANIE WHEELER – ALASKA STATE OMBUDSMAN

WHAT IS A RESIDENT COUNCIL

Federal Regulations – Nursing Homes

Resident Council Meetings are for the residents

Every Resident Council is different

Policy and Procedure

Role of the LTC Ombudsman and Resident Councils

The Alaska LTCO program decided to
develop a culturally appropriate toolkit

Why makes this toolkit different?

RESIDENT COUNCIL TOOL KIT

THE PROJECT



Information
Gathering



First Draft



Evaluation

WHAT DID WE LEARN?



COUNCIL MEETINGS AND STRUCTURE

- Role of leaders/Facilitation
- Meeting Location
- How are residents informed
- Frequency of Meetings
- Agendas
- Agendas
- Note Taking
- Staffing Supports
- Guest Speakers
- Other Invited members

Two Videos for residents about Resident Councils

What is a resident
council?

How to run a resident
council toolkit



Staff Manual

What is included?



Distribution of Toolkits to all Nursing Facilities

In Person/Mail (Hard
Copy and Thumb Drives)

Website

FINAL PRODUCT

RESIDENT
COUNCIL
TOOLKIT

RESIDENT COUNCIL TOOLKIT

ALASKA OFFICE OF THE LTC OMBUDSMAN

PREPARED BY RIDER CONSULTING AND CHAMPNEY CONSULTING WITH
JORDAN LEWIS, PH.D.



www.akoltco.org



SUPPORTING RESIDENT COUNCILS *TEXAS* LONG-TERM CARE OMBUDSMAN PROGRAM

Patty Ducayet, State Ombudsman
Melissa Tye Whitaker, Managing Local Ombudsman of the Panhandle

WHY IS A COUNCIL

IMPORTANT?

“It’s a way for the people’s voice to be heard.”

“Our experiences weren’t heard during Covid when meetings didn’t happen. Because of restrictions put on us we need to be heard now more than ever.”



WHY ARE YOU INVOLVED?

“It helps me feel connected when I’m helping others.”

“To serve a purpose and feel needed feels good.”



A LITTLE SOMETHING...

- LANYARDS
- TOOLKIT FOR
EVERY COUNCIL
PRESIDENT



HOW CAN I HELP?

As State Ombudsman, I want to support both the interests of residents and the action by our local managers to do good things.

Systems advocacy by an Ombudsman requires consultation with the S.O.

When residents told their Ombudsman they wanted to increase their personal needs allowance, their Ombudsman asked me for help.



WHAT DID THE S.O. DO?



Offered a plan to the Ombudsman



Developed Key Messages and Prompts for Residents



Helped with Ombudsman cover letter for the residents' letters



MELISSA TYE WHITAKER

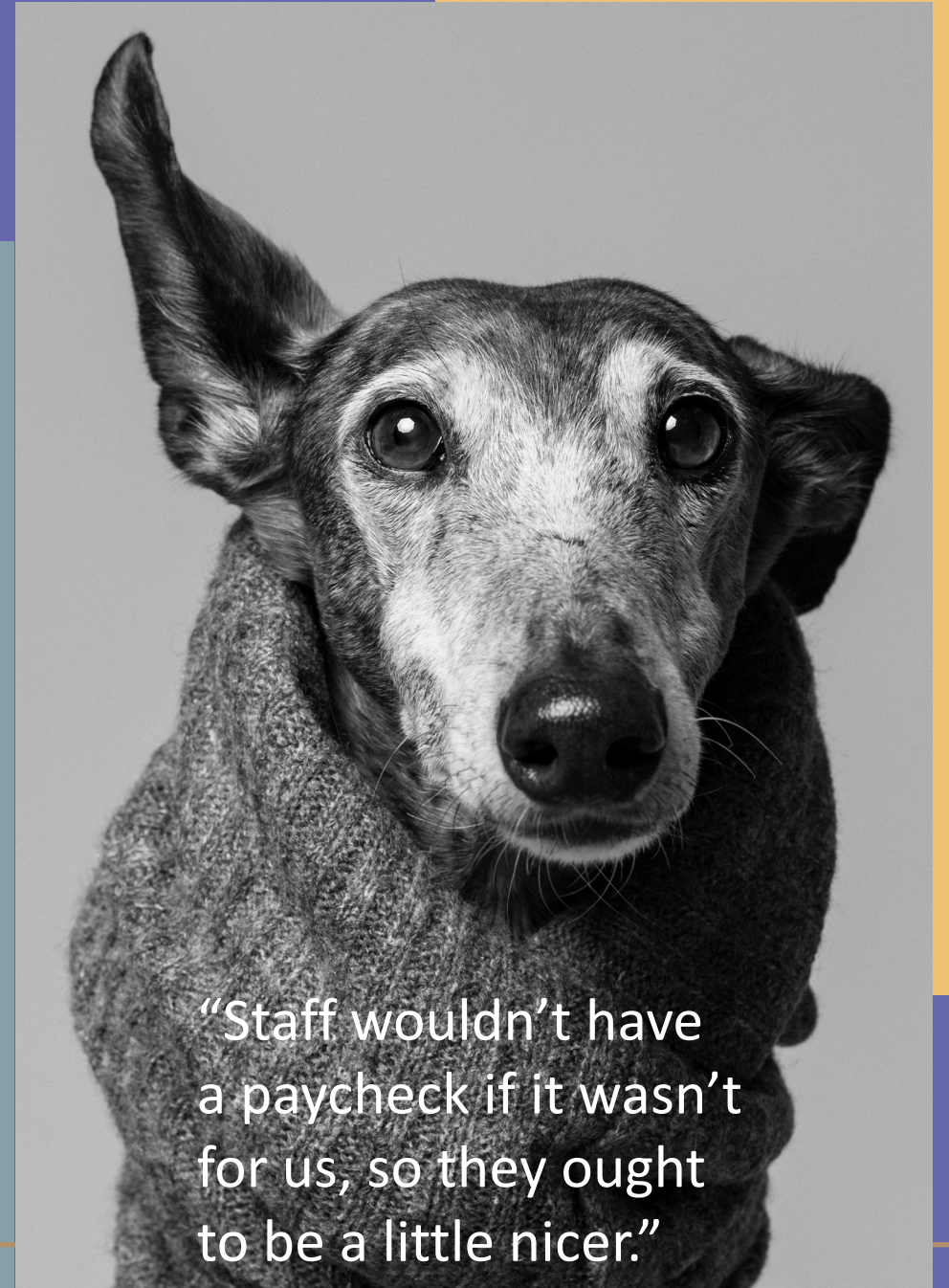
Insight from the
Managing Local
Ombudsman of
the Panhandle



RESIDENTS OF THE PANHANDLE SAY...

"We are people, not just patients, who live here everyday and don't get to go home to our families because we don't have a home or families to go home to anymore."

"Staff should be more understanding and empathetic to our situations because it may be them one day."

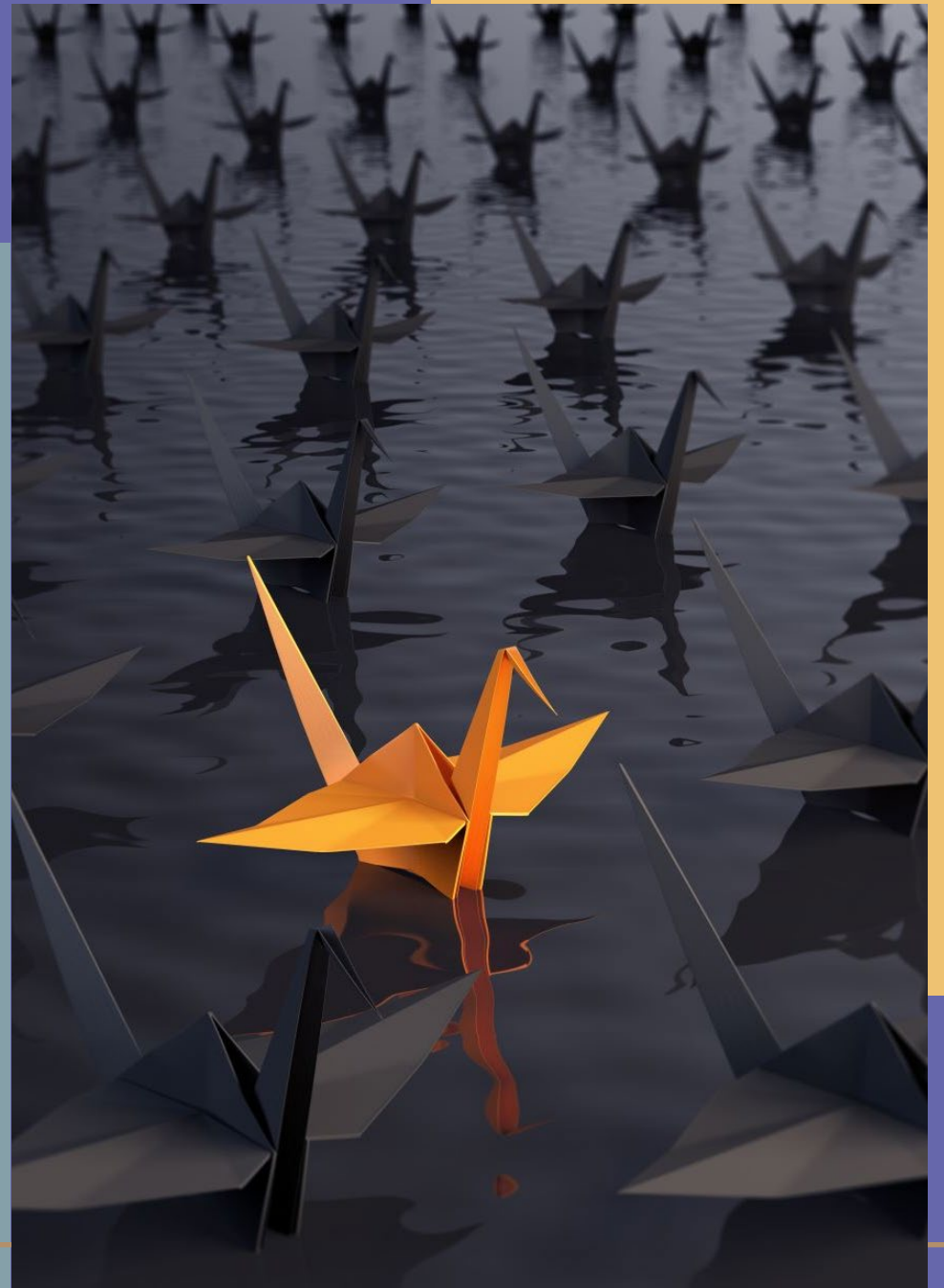


"Staff wouldn't have a paycheck if it wasn't for us, so they ought to be a little nicer."

WHAT IS A COUNCIL FOR?

"It's a time for the residents to recognize the staff members who are doing a good job and that positive reinforcement goes a lot further than complaining on staff constantly."

"It's important for the facility to know our voices and opinions about our care."



STRATEGIES

How to gain interest in the council?

Swag

Information – make handouts appealing

Decisions on “meal of the month” and special outings

Personal invitation to participate or serve as an officer

Encourage residents to invite decision-makers to attend

What content do residents want?

Stuck? Start with *Residents' Rights and common issues*

COMMON ISSUES

1. Food
2. Staff friendliness
3. Call light response time
4. Infection control



RESOURCES

Texas Advocacy

http://ltcombudsman.org/uploads/files/issues/PNA_Key_Messages_and_Prompts_for_Residents.pdf

https://ltcombudsman.org/uploads/files/issues/PNA_Cover_Letter.pdf

Dear, _____,

My name is [name], Managing Long-Term Care Ombudsman for the [agency name], which includes ____, ____, ____, and ____ counties. I serve residents in long-term care facilities in [list each legislator's title and name]'s district.

For over 10 years, I have had the pleasure to serve as an advocate for residents of nursing homes and assisted living facilities. In this position, I have heard the struggles from residents pertaining to the Personal Needs Allowance (PNA). The PNA is the monthly sum of money that residents who receive Medicaid may keep from their monthly income. Often, this is the only money a person who uses Medicaid will have for the month. Since 2009, in Texas the PNA has been \$60, despite inflation. This allowance is intended for residents to spend on personal

PNA Key Messages and Prompts for Residents' Advocacy

Paint a Picture for Lawmakers about What It Means to Get \$60/Month

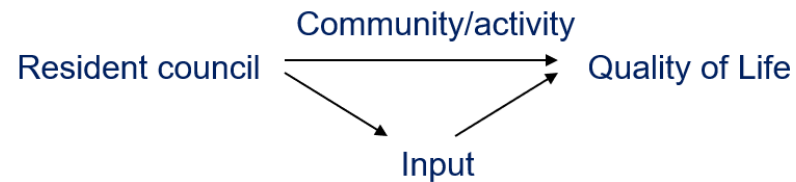
- I live in a nursing home because... (the person might describe if they cannot get out of bed, or have a specific medical need, or they might talk about not having people in the community who can help take care of them)
- Most nursing home residents are on Medicaid. All but \$60 of my monthly Social Security check goes to my nursing home to pay for my care. \$60 is what's called my personal needs allowance, or PNA.
- Since 2006, my PNA has been the same amount. With inflation in 2021 I cannot afford to buy things I need.
- Every month, I spend my PNA on _____, _____, and _____. These are things that my nursing home doesn't buy for me.
- I usually run out of my PNA money by _____ (this date) and can't buy anything until the next month.
- Because I only receive \$60 per month, I have not been able to buy _____.

Resident Council PowerPoint presentation:

https://ltcombudsman.org/uploads/files/issues/Resident_Council_Basics_and_Insights_for_Advocates-web.pdf

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.

Resources

Resident Council Rights in Nursing Homes

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



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.

©2017 The Consumer Voice for Quality Long-Term Care, 1001 Connecticut Ave, NW, Suite 632, Washington, D.C. 20036
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>

Q&A



Link for the evaluation for today's TA Talk: <https://www.surveymonkey.com/r/629HNFC>



The National Long-Term Care Ombudsman Resource Center

Connect with us:

www.ltcombudsman.org

ombudcenter@theconsumervoice.org



The National LTC Ombudsman Resource Center



@LTCombudcenter



Get our app! Search for "LTC Ombudsman Resource Center" in the Apple Store or Google Play

This project was supported, in part, by grant number 90OMRC0002-01-00, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.