



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

TECHNICAL ASSISTANCE (TA) TALK

Family Councils

December 14, 2022

Welcome!

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



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.
- ▶ FAQs - https://ltcombudsman.org/omb_support/training/certificates



About Today's Talk...

- ▶ This webinar is being **recorded** and materials will be posted and shared.
- ▶ You can only ask (or respond to) questions via audio or chat on **Zoom**, not via the Facebook livestream.
- ▶ Please do not unmute your line until you **raise your hand**, and we call on you.
- ▶ 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 the chat near the end of the call.



Agenda

- ▶ Federal Regulations and Guidance
- ▶ Ombudsman program examples
- ▶ Resources
- ▶ Discussion and Questions



Jocelyn Bogdan

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National Consumer Voice for Quality Long-Term Care

What is a Family Council

A family council is a self-led, self determining group of families and friends of nursing home residents that work to improve the quality of care and quality of life of the facility's residents. The council provides families with a voice in decision making that affects them and their loved ones.

The council can:

- Act on concerns and complaints affecting nursing home residents;
- Support families;
- Communicate with the nursing home administrator and staff;
- Serve as a sounding board and advisory body on new ideas and improvements;
- Advocate for positive change within the facility and the long term care system; (This is a big one. It can be difficult when family members advocate on their own – the council gives you an opportunity to advocate with others – and many voices go further than one.)
- Educate and inform families about issues relating to residents, the nursing home and the long term care system; and
- Sponsor activities that benefit all residents.

Rights of the Family Council

- A resident's family has the right to meet in the facility with the families of other residents in the facility.
- The facility must provide a family group, if one exists, with private space.
- Staff or visitors may attend meetings at the group's invitation. But not otherwise.
- The facility must provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings.
- When a family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

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.
- ▶ (6) The resident has a right to participate in family groups.
- ▶ (7) 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.

Appendix PP

GUIDANCE §483.10(f)(5)-(7)

This requirement does not require that residents organize a resident or family group. However, whenever residents or their families wish to organize, they must be able to do so without interference.

Additionally, they must be provided space, privacy for meetings, and staff support.

The designated staff person responsible for assistance and liaison between the group and the facility's administration and any other staff members may attend the meeting only if invited by the resident or family group.

The resident or family group may meet without staff present.

The groups should determine how frequently they meet.

Facility staff are required to consider resident and family group views and act upon grievances and recommendations.

Facility staff must consider these recommendations and attempt to accommodate them, to the extent practicable. This may include developing or changing policies affecting resident care and life. Facility staff should discuss its decisions with the resident and/or family group and document in writing its response and rationale as required under 42 CFR §483.10(j), F585, Grievances.

Appendix PP continued!

PROCEDURES §483.10(f)(5)-(7)

During the entrance interview, determine:

- If there is a resident or family group;
- Who the resident or family representative is for each of these groups; and,
- Who the designated staff person is for assisting and working with each of these groups.

If residents or their families attempted to organize a group and were unsuccessful, why?

Through interviews with the representatives for the resident and family groups and staff designated for assisting and working with these groups, determine:

- Are groups able to meet without staff present unless desired?
- If a resident wants a family member present during a resident group meeting, how is this handled? Facility staff should not require said family member to leave the group meeting, without the permission of the group.
- How views, grievances or recommendations from these groups are considered, addressed and acted upon; and,
- How facility staff provide responses, actions, and rationale to the groups.

Appendix PP continued!

Examples of noncompliance may include, but are not limited to:

- Facility staff impede or prevent residents or family members ability to meet or organize a resident or family group;
- Resident and/or families were not always informed in advance of upcoming meetings.
- Facility staff impede with meetings and/or operations of family or resident council by mandating that they have a staff person in the room during meetings or assigning a staff person to liaise with the council that is not agreeable to the council;
- Private meeting space for these groups is not provided;
- The views, grievances or recommendations from these groups have not been considered or acted upon by facility staff;
- Facility staff does not provide these groups with responses, actions, and rationale taken regarding their concerns;
- Facility staff are not able to demonstrate their response and rationale to grievances;
- Facility staff prevent family members or representatives from meeting with those of another resident.

Can Work With the Facility

Family Councils are not always adversarial. The council may...

- Provide the administration and staff with information about concerns that families have about resident care so that problems can be responded to in an appropriate manner.
- The council can give the facility the opportunity to find out about and fix problems in the facility rather than having families turn to outside agencies such as the survey agency or the ombudsman program for help.
- It can brainstorm and provide creative solutions to problems.
- Give honest feedback to use for ongoing quality improvement efforts.
- Provide an avenue for requests for changes within the facility to be made to boards and management companies. Family councils can advocate with these entities for changes that staff may want, but for which they are unable to obtain approval.
- Keep facility staff from being overwhelmed by a barrage of individual complaints all at once.
- Provide recommendations for programming or policies that would benefit residents.
- Increase the likelihood that new facility policies will be implemented smoothly and successfully and positively impact residents because families will have had an opportunity to comment on and shape these policies.
- Can identify outside resources to enhance the lives of residents and facility functioning.
- Increase family willingness to contribute time and energy towards making the facility a good place for people to live. It fosters community.

▶ Be Innovative

- ▶ So much grew from the pandemic
- ▶ Look to States for ideas
- ▶ Think creatively

Resources

- ▶ **Family Council Center**

<https://theconsumervoice.org/issues/family/family-council-center>

- ▶ **Family Guide to Effective Family Councils**

<https://theconsumervoice.org/uploads/files/family-member/Guide-toEffective-Family-Councils.pdf>

- ▶ **A Closer Look at the Revised Nursing Facility Regulations: Grievances and Resident/Family Councils**

https://theconsumervoice.org/uploads/files/issues/Revised_Nursing_Facility_Regulations_Grievances_and_Resident_or_Family_Councils.pdf



Linda Beck

Staff Ombudsman

**Long Term Care Ombudsman Services of San Luis Obispo County
California Long-Term Care Ombudsman Program**



Crista Barnett Nelson

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California Long-Term Care Ombudsman Program



Written Communication from Family Council

Crista Barnett Nelson
Senior Advocacy Services



NELSON MANDELA

“Action without vision is only passing time. Vision without action is merely daydreaming. But Vision with Action can change the world.”

The background features a light grey base with large, overlapping organic shapes in muted green and brown. In the top left, there are stylized, layered patterns of foliage in shades of grey and brown. A white, wavy line curves across the bottom right portion of the image.

effective
family
councils

Why in writing?

Writing helps the council to codify the issues and seek solutions in a trackable manner.

It creates a solution-based meeting that members may feel accomplish improvements.



Seek Solutions

- Be very specific about what authority the council is operating under. Cite the regulations from your state if there are any.
- Clearly state a reasonable time frame that a response is requested by.
- Use as few words as possible.
- State facts and observations; if possible, with dates and times to support the issue
- Honor anonymity

Family Council Inquiry Form

The Family Council (Family Council) was formed pursuant to HSC 1569.158. This information is provided to the Facility Director, in the absence of. Council requests that a staff liaison be named as required in section (h): "If a facility has a family council and a licensed capacity of 16 or more, the facility shall appoint a designated staff liaison who shall be responsible for providing assistance to the family council and responding to written requests that result from family council meetings."

Please respond in writing within 14 calendar day to these requests consistent with the regulation as stated in section (f): If a family council submits written concerns or recommendations, the facility shall respond in writing regarding any action or inaction taken in response to the concerns or recommendations within 14 calendar days.

The Family Council make the following requests for information and corrective action:

1. Dietary Concerns The Family Council observes, and receives feedback from residents regarding dietary issues on an ongoing basis.

Request: The Council requests that the Dietary Manager, attend a meeting as a guest of the Council to discuss her area of responsibility; current facility policies and procedures that pertain to the dietary policy, including freshness and quality of supplies; and to address how family members may most effectively communicate issues in a timely manner.

Response: would be happy to attend a meeting as a guest of the Council, please send her an invite.

2. Staffing, Adequate staffing, Staff training, Qualifications, and Expectations:

a. Family Council members have observed: insufficient caregiving staff; staff demonstrating they are not adequately trained; high turnover. Specific incidences include: A resident's family member found the resident in wet diapers with a dry diaper over the wet one. When they then began to change the resident, a caregiver came in and complained to management. Management notified the family member saying that they were interfering with the caregiver. Family member(s) have been informed they should come into the facility to give eye drops since staff couldn't verify if resident was getting them. Family members report finding wrong and mixed up clothing on residents. Beds not being made. Family members have found soiled clothing put back in with clean clothing, and informed management to no resolve. On at least three occasions, family member(s) have found resident's prescribed fortified drink sitting untouched and at room temperature, no assistance provided to resident. In SNF, multiple family members have found soiled "Depends" sitting on resident's nightstand or not disposed of properly.

Request: What is's related policy(ies) to this/these items and related items to satisfy residents and family members? Provide the staffing ratio per shift and per all days in the Memory Unit and Assisted Living. Please identify each shift with the minimal levels of unshared workers who deliver service.

Do these staffing ratios meet or exceed regulations? Describe the method(s) used to fulfill the training requirements of regulations as cited in HSC 1626.626.

Response: We staff according to resident needs. When new staff are hired they are being trained per California regulations through on-line training and on-going staff in-services.

b. It is understood that there is currently no driver for the facility van.

Request: Provide the new Family Council Liaison name with contact information along with the person driving the residence van.

Response: There are 5 staff members who are able to drive the van. Any requests for transportation should go through the Concierge.

c. Staff are not cleaning rooms and other duties per the contracts and have advised individuals to pay for private personal care or telling private personnel to do contracted work, such as aid showers, pick up dining room menus and deliver food to rooms.

Request: What is's related policy(ies) to this/these items and related cleaning items along with apartment/room cleaning schedules? What is the plan and timing to train staff in the contracted duties for each resident, plus returning to meeting the agreed contracts and related room cleaning and support?

Response: Housekeeping and laundry staffing are sufficient to clean resident apartments per their scheduled day.

d. FC members report that caregivers many times only speak Spanish with each other during residents' showers and other activities involving residents, which confuses residents and do not allow residents to understand what is going on in their activity or feel a part of the activity. This is in violation of Residents' Rights and unacceptable practice and should be addressed in staff training.

Request: What is's related policy(ies) to this/these items and related items. Provide plan and schedule for training staff on Residents Rights, especially regarding dignity and respect.

Response: All staff are given training on Resident Rights and Elder Abuse when they are first hired and a monthly in-service may include that as well.

e. Staff continue to demonstrate a lack of training and adherence to important procedures.

Request: Provide current plan and schedule for supporting required training.

Response: Direct Care staff must complete 20 hours of California Direct Care Orientation Training when they are hired before working with residents and an additional 20 hours within the first 4 weeks of employment. They must also attend monthly in-service training.

f. -FC would again like to illustrate the critical importance of appropriate training in transfer techniques. It has been identified that all staff are not equally trained and fail to be

Challenges

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graph TD; A[TANGIBLE EFFECTIVENESS] --- B[COHESIVE]; A --- C[RESPONSE]; A --- D[LEADERSHIP]; A --- E[QUALITY]
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COHESIVE

FC Members need to work well together

TANGIBLE EFFECTIVENESS

Members may have very different reasons for attending the meeting

RESPONSE

Facility Fails to respond

LEADERSHIP

One member may dominate, or they may lack leadership at all

QUALITY

Facility responses are obtuse

area of focus

EFFECTIVE COMMUNICATION

- Develop written agenda
- Be considerate of others
- Don't let one member dominate
- Initially capitalize on low-hanging fruit for problem solving

summary

The family council provides a very effective way for family members to:

- 1) Share resources
- 2) Identify with others who are on the same life path
- 3) Communicate





thank you

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Resources

Key Resources

- ▶ **Family and Resident Councils (NORC)**

<https://ltcombudsman.org/issues/family-and-resident-councils>

- ▶ **Working with Families: Tips for Effective Communication and Strategies for Challenging Situations**

<https://ltcombudsman.org/uploads/files/support/fm-paper.pdf>

- ▶ **Long-Term Care Ombudsman Guide to Developing and Supporting Family Councils**

<https://ltcombudsman.org/uploads/files/issues/Omb-and-Family-Councils-LAFMC.pdf>



Questions?

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This project was supported, in part, by grant number 900MRC0002-02-00, 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.