

### What Can California Learn From Other States' Family Council Laws & Experiences?

California\*, the leader in state law promoting the formation of family councils, may have some important lessons to learn from other states. CANHR's recent 50 state survey revealed the following ways that the California law might be strengthened:

**Notification of Right to Form a Family Council:** Some states (Arkansas, Massachusetts, Texas, and Rhode Island) help promote family councils by mandating that families and friends of residents receive information at the time of admission about their right to form family councils if one does not already exist.

- **Notification of Existence of Family Councils:** California, like many other states, requires new and current residents to be informed if a family council has been formed. Illinois requires information about the existence of a family council be made available not only to new and current residents but also to prospective residents. Rhode Island also requires facilities to notify the long term care Ombudsman if a family council exists.
- **Right to Form Family Councils:** In addition to family members, friends or resident representatives, Illinois grants the right to form family councils to the long term care Ombudsman.
- **Content of Notification:** In California, facilities are allowed to create the information residents receive about any regularly scheduled family council meetings, e.g., date, time, and contact person. Illinois allows family council members or ombudsmen to create the information that others will receive about the family council.
- **Facility Response to Family Council Concerns:** Facilities in Massachusetts and Texas are required to respond to family council concerns in five (5) days, compared to California's ten (10) day response period.

- **Family Councils Role with Regulatory Agencies:** In Minnesota, all facilities are required to have family councils or prove that lack of family interest is the reason why they have failed to form. Family councils in Minnesota must be interviewed during facility surveys and invited to participate in the surveyors exit conference. Similarly, Texas allows a representative of the family council to discuss council concerns with surveyors.

In follow up interviews with several state long term Ombudsmen and advocates, we also discovered a renewed commitment to supporting the development of effective, independent family councils. Family councils are viewed as a critical bridge to the community and the community's involvement in ensuring quality of care in a weak regulatory enforcement environment. The concerns of residents in nursing homes can no longer be thought of as only the responsibility of families and close friends but of the entire community as expressed through church and civic groups. This is especially true for residents without families, or due to advanced age, have outlived their relatives and friends. Family council involvement offers a unique opportunity for community groups to positively affect the lives of the majority of residents in nursing homes, and provides a way to sustain family councils when family members leave when their loved ones die.

Strengthened laws and increased community involvement open up new paths for developing and sustaining family councils, and through independent and effective family councils, improving the quality of care and life for nursing home residents.

*\*California's Family Council Laws can be found in California's Health and Safety Code §1418.4 for Skilled Nursing Homes and §1569.158 for Residential Care Facilities for the Elderly. Federal laws pertaining to Family Council's can be found in Title 42 Code of Federal Regulations §483.15.*

### ***Start organizing a Family Council today!***

Request a free DVD – Organizing Family Councils - and download a guide to “Organizing Family Councils in Long Term Care Facilities” by going to: <http://www.canhr.org/familycouncils/>