

The Rights of Family Councils in Nursing Homes

The 1987 Nursing Home Reform Act guarantees the families of nursing home residents a number of important rights to enhance a loved one's 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 family council.

Facilities certified for Medicare and Medicaid must provide a meeting space, cooperate with the council's activities, and respond to the group's concerns. Nursing facilities must appoint a staff advisor or liaison to the family council, but staff and administrators have access to council meetings only by invitation. While the federal law specifically references "families" of residents, close friends of residents can and should be encouraged to play an active role in family councils, too.

Specifically, the federal law includes the following requirements on family councils:¹

- *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.*
- *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.*

¹42 CFR sec.483.15(c); Public Law 100-203, Social Security Act