



CDSS

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November 6, 2017

PIN 17-11-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) LICENSEES

FROM: *Original signed by Pamela Dickfoss*  
PAMELA DICKFOSS  
Deputy Director  
Community Care Licensing Division

SUBJECT: **RESIDENT ASSOCIATION AND RESIDENT AND FAMILY COUNCILS**

**Provider Information Notice (PIN) Summary**

This PIN serves to remind providers of the requirements and responsibilities associated to a Continuing Care Retirement Community Resident Association and a Residential Care Facility for the Elderly Resident related to the establishment and support of resident councils and family councils.

Providers of Continuing Care Retirement Communities (CCRCs) and licensees of Residential Care Facilities for the Elderly (RCFEs) are required to comply with the law related to the formation, maintenance and promotion of resident associations, resident councils and family councils.

Input by residents, resident representatives or family members promote a collaborative environment that fosters cooperation, reduces conflicts and allows for more timely and amiable resolutions to issues that may arise in a CCRC or RCFE. The Department expects providers to support resident associations, resident councils and family councils and will cite licensees for noncompliance.

Delineated below are the roles of a resident association in a CCRC and a resident council and a family council in an RCFE and the corresponding responsibilities of the CCRC provider and RCFE licensee.

## Resident Association

A CCRC shall maintain an environment that enhances the residents' self-determination and independence. [Health and Safety Code \(HSC\) Section 1771.7](#) describes the rights of a CCRC resident and the responsibilities of the provider, including but not limited to, the formation of a resident association.

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### Roles

The resident association may, among other things, elect a governing body; make recommendations to management regarding resident issues that impact the resident's quality of life, quality of care, exercise of rights, safety and quality of the physical environment; and express concerns about the contracts, fiscal matters, or other issues of concern to residents. The meetings of the resident association shall be open to all residents and residents shall have the ability to present issues. Attendance at an executive session of the resident association governing body shall be limited to the governing body only.

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### Provider Responsibilities

The CCRC provider is responsible for encouraging the formation of a resident association by interested residents; provide space and post notices for meetings, and provide assistance in attending the meetings upon request; excuse all CCRC personnel from a portion of the resident association meeting in order to promote a free exchange of ideas; respond, in writing within 20 working days of receipt, to a written request or concern of the resident association; establish policies and procedures that promote the sharing of information, dialogue between residents and management, and access to the provider's governing body; and conduct a biennial resident satisfaction survey which shall be made available to the resident association and posted in a conspicuous location at each community.

## Resident Council

[Assembly Bill \(AB\) 1572 \(Eggman\), Chapter 177, Statutes of 2014](#), effective January 1, 2015, amended the [HSC Section 1569.157](#) to require every licensed RCFE, at the request of two or more residents, to assist the residents in establishing and maintaining a single resident council for the facility with residents from facility. Family members, resident representatives, advocates, long-term care ombudsman program representatives, facility staff, or others may participate in resident council meetings and activities at the invitation of the resident council.

**Roles** The resident council may, among other things, make recommendations to facility administrators to improve the quality of daily living and care in the facility and to promote and protect residents' rights.

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**Provider Responsibilities** The RCFE licensee is responsible for responding in writing, within 14 calendar days, to any written concerns or recommendations by the resident council; not to limit the right of residents to meet independently with outside persons or facility personnel; to notify each resident council member of their right to be interviewed as part of the regulatory inspection process; to promote the resident council by providing information about the resident council to new residents, sharing information about the time, place and dates of resident council meetings, and the resident representative to contact about the resident council at the facility; for facilities with a licensed capacity of 16 or more, the facility shall appoint a designated staff liaison to assist the resident council; if the facility does not have a resident council, the facility must provide new residents and/or their representative written information regarding the right to form a resident council; provide the contact information of the resident council representative to the long-term care ombudsman program, upon request and with permission of the resident council; shall not willfully interfere with the formation, maintenance, or promotion of a resident council, or its participation in the regulatory inspection process. A violation of the resident council section shall constitute a violation of resident rights which shall be subject to a daily civil penalty of two hundred fifty dollars (\$250) until the violation is corrected.

The [HSC section 1569.157\(h\)](#) requires this information to be posted with a heading "Rights of Resident Councils" in a prominent place at the facility accessible to residents, family members, and resident representatives.

## Family Council

In addition to the requirements for a resident council, [AB 1572](#) amended [HSC Section 1569.158](#) to include the rights and requirements of addressing the formation and maintenance of a family council in a RCFE. Specifically, the RCFE licensee shall not prohibit the formation of a family council when requested by a member of the resident's family or the resident representative

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**Roles** For purposes of this section, a family council is a meeting of family members, friends, responsible parties, or agents as defined in [Section 14110.8 of the Welfare and Institutions Code](#) of two or more residents to confer in private without facility staff. The family council shall be allowed to meet in a common meeting room of the facility during mutually agreed

upon hours. Facility personnel or visitors may attend a family council meeting only by invitation of the family council.

**Provider  
Responsibilities**

The RCFE licensee shall not limit the right of residents and participants in a family council to meet independently with outside persons; provide adequate space on a prominent bulletin board or other posting area for the display of meeting notices, minutes, information and newsletters; respond in writing, within 14 calendar days of receipt, to any action or inaction taken in response to written concerns or recommendations submitted by the family council; shall include notice of the family council and its meetings to family members and resident representatives in routine mailings and notify family members and representatives of new residents and existing residents of the family council, the time and place of meetings and the name of the family council representative; if the facility does not have a family council, the RCFE licensee must provide written information to the family member or resident representative upon admission of the resident the right to form a family council; provide the contact information of the designated family council representative to the long-term care ombudsman program, upon request and with permission of the family council; and for facilities with a licensed capacity of 16 or more, the facility shall appoint a designated staff liaison to assist the family council. Finally, a RCFE licensee shall not willfully interfere with the formation, maintenance, or promotion of a resident council, or its participation in the regulatory inspection process. A violation of the family council section shall constitute a violation of resident rights which shall be subject to a daily civil penalty of two hundred fifty dollars (\$250) until the violation is corrected.

If you have any questions regarding CCRCs, please contact Evon Lenerd, Chief of the Continuing Care Branch at (916) 651-9363 or the Adult and Senior Care Regional Office for RCFEs.