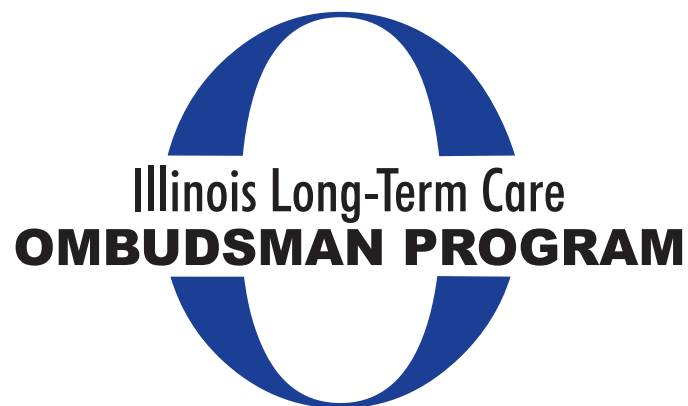


RESIDENT COUNCIL TOOL KIT

FOR RESIDENTS OF LONG-TERM CARE FACILITIES



As an individual living in a long-term care facility, you retain the same rights as every citizen of Illinois and of the United States. The following regulations provide clarity on specific rights granted to residents living in long-term care facilities.

Federal Regulations supporting resident rights can be found at 42 CFR 483

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title42/42cfr483_main_02.tpl

State regulations supporting resident rights can be found at 77 IL Admin Code 300

<http://www.dph.illinois.gov/topics-services/health-care-regulation/nursing-homes/admCodes>

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What is a Resident Council

A resident council is an **independent** group of long-term care facility residents who typically meet at a minimum of once a month to discuss concerns and suggestions in the facility and to plan activities that are important to them. Resident councils are structured in various ways, but usually every resident living in a facility is an automatic member of the council. Residents vote to choose the President and Vice President (or Chairperson and Vice Chairperson).

A Model Resident Council

- Residents run the council
- The council receives support, not interference, from nursing facility staff
- Residents feel comfortable speaking freely; raising issues and concerns
- Residents are treated in a dignified manner, and their issues and concerns are taken seriously
- Issues and concerns are promptly addressed by the appropriate departments
- Residents have access to information as needed and as requested by the council
- Different committees address the issues and concerns raised, and then follow up at the next meeting
- The council is a vehicle to bring about positive changes for all residents in the nursing facility



The Purpose of a Resident Council

Resident councils share the same purposes:

- to give residents greater participation in affairs within the facility;
- to give residents a forum for discussion of concerns within the facility;
- to be a line of communication between residents and staff; and
- to serve as an informational forum.

It is the implementation of these functions that cause the council to become a meaningful organization. If the council has no meaningful work to do, it will fail.

A resident council is more than a social gathering or a grievance mechanism. The basic premise of the council is that residents should share in planning and controlling their lives. Ellen J. Langer and Judith Roddin's research¹ shows that a sense of control and the exercising of personal choices have a definite and positive role in sustaining life. Self-determination, to the extent possible within limitations of the long-term care setting, is a basic right. The resident council is a forum for self-determination as well as an opportunity to make continued use of the talents and wisdom of residents in the long-term care facility.

A resident council can seek changes in living conditions for the residents and also help prevent services from deteriorating. The council can act as an educational tool by using the council as a forum for guest speakers. In addition, the council can convey the needs and preferences of the residents and represent residents to the outside community.

This will help residents become informed and educated about facility policies, community resources, and the rules and regulations of long-term care system.

¹ Ellen J. Langer & Judith Rodin, "Effects of Choice and Enhanced Personal Responsibility for the Aged: A Field Experiment in an Institutional Setting", *Journal of Personality and Social Psychology*. 1976



Benefits of a Resident Council and What Helps it Succeed

The most direct, and most important, benefits of a resident council are to the residents themselves. Those who participate are provided the opportunities to collectively exercise decision-making skills. Participation in the council reinforces the residents' ability to make decisions about their lives leading to feelings of control, and hence self-confidence.

Even residents who choose not to participate may benefit, simply by knowing that a system is in place for self-expression and decision-making on their behalf.

Administrators benefit by having an idea of what residents deem important to them. This helps in administrative decisions that affect residents.


Staff members benefit by having a venue to clear up misunderstandings. Staff also can obtain a distinct picture of how residents feel about certain matters, thus assisting them in providing daily care.

Residents' Responsibilities

As a resident in a long-term care facility, you have the right to be informed about the services and policies of the facility and you have the right to receive services in the facility with dignity and consideration. But you also have the responsibilities that go along with being a resident in a busy, bustling nursing home community. Your help is needed to make sure the home runs smoothly and meets your needs and the needs of your neighbors.

Here are some guidelines residents can follow to help with successful nursing home living.

1. Become informed about the home's services, policies and procedures. Be familiar with booklets or materials that are given to you – don't just give them to your family or put them in your drawer.
2. Participate in the planning of your care and ask for information about your care plans. Request your doctor to explain your medical condition.
3. Cooperate with the nursing staff in the treatments and orders prescribed by your doctor.
4. If you decide to refuse treatment or medications, be sure you fully understand the result – discuss it with your doctor first.
5. Treat the staff with consideration – try to understand their responsibilities and respect their efforts.

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6. Be a friend to other residents – try to be kind, considerate and respectful of your roommate and the rights of other residents.
 7. Get involved in the daily life at the home – attend activities, help make plans and preparations – contribute your special talents.
 8. Don't be afraid to speak up and make suggestions – take an active part in the resident council.
 9. Know the proper grievance procedure and the person(s) in the home responsible for resolving problems.
 10. Be sure to get the whole story before making a formal complaint. First try to find out why there is a problem. Ask to discuss it with the appropriate staff member or the administrator.
 11. Stay active as a citizen and as a part of your community. Keep informed about community issues and activities, find out about community services available to you and do not forget to vote!
 12. Remember to enjoy life – you have much to give and much to receive as a part of the nursing home family. Come to the home prepared to live and not to die.



RESIDENTS' RIGHTS

Your rights to dignity and respect

- **You have a right to make your own choices.**
- **Your facility must treat you with dignity and respect** and must care for you in a manner that promotes your quality of life.
- **Your facility must provide equal access to quality care** regardless of diagnosis, condition, or payment source.


Your rights to safety

- **You must not be abused, neglected, or exploited by anyone** – financially, physically, verbally, mentally or sexually.
- **The facility must ensure that you are free from retaliation** and discrimination, in exercising your rights.
- **Your facility must provide services** to keep your physical and mental health, at their highest practical levels.
- **Your facility must be safe, clean, comfortable and homelike.**
- **You have a right to be free from physical or chemical restraints**
- **You may be given medicine** intended to change your mood or how you think *only with your permission*
- **You have a right to purchase and use an electronic monitoring device** after providing notice to the facility using the Electronic Monitoring Notification and Consent Form available at <http://www.dph.illinois.gov/forms-publications>



Your rights to participate in your own care

- **You may participate in developing a person-centered care plan** which states all the services your facility will provide to you and everything you are expected to do. This plan must include your personal and cultural choices. Your facility must make reasonable arrangements to meet your needs and choices.
- **You may attend the care plan conference** at a time and location convenient to you.
- **You may choose to have family**, friends or a representative join in the care plan conference.
- **You may request care plan meetings** and revisions to the plan of care.
- **You may be informed, in advance, of changes to the plan of care.**
- **You should receive the services and/or items included in the plan of care.**
- **You may see the care plan**, including the right to sign after significant changes to the plan of care.
- **You have the right to choose your own doctor.**
- **Your facility must tell you the name** and specialty of each doctor responsible for your care, and how to contact that doctor.
- **You have the right to be in charge** of taking your own medicine if your care plan team and your doctor say that you are able to do so.
- **You have the right to request, refuse, and/or discontinue any treatment.** If you refuse treatment, your facility must tell you what may happen because of your refusal and tell you of other possible treatments.
- **You have the right to complete information** about your medical condition and treatment in a language that you can understand.
- **You have the right to choose activities and schedules** (including sleeping and waking times).
- **You have the right to make a Living Will** or a Durable Power of Attorney for Health Care, Declaration for Mental Health Treatment and POLST/Do Not Resuscitate Order so that the facility will know your wishes if you can no longer speak for yourself.
- **You may refuse to participate** in any experimental treatment on you or allow anyone to use information about you for research without your permission.

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- **Your facility must allow you to see your records** within 24 hours of your request (excluding weekends and holidays). You may purchase a copy of part or all of your records at a reasonable copy fee within two working days of your request.
 - **You have the right to move out of your facility** after you give the administrator, nurse, or doctor written notice that you plan to move.
 - **Your discharge plan and steps to achieve the goal should be included in your care plan.**

Your rights to privacy and confidentiality

- **You have a right to privacy and confidentiality of your personal and medical records. Your medical and personal care are private.** Facility staff must respect your privacy when you are being examined or given care.
- **Facility staff must knock** before entering your room.
- **Your facility may not give information** about you or your care to unauthorized persons without your permission, unless you are being transferred to a hospital or to another health care facility.
- **You have the right to have private visits** at the hour of your choosing if it does not impose on the rights of other residents.
- **You may ask any visitor to leave** your personal living area at any time.
- **You have the right to make and receive phone calls** in private and to have access to the use of a telephone where calls can be made without being overheard.
- **Your facility must deliver and send your mail** promptly. Your facility may not open your mail without your permission.
- **If you are married,** you and your spouse have the right to share a room if both spouses agree to the arrangement.



Your rights regarding your money


- **You have the right to manage your own money.** The facility must not require you to let them manage your money or be your Social Security representative payee.
- **If you ask the facility to manage your money** it may only spend your money with your permission. **It must give you a current, itemized written statement** at least once every three months, and **it must put your money in a bank account** that earns interest for you if:
 - Medicaid helps pay for your care at the facility and have over \$50 or
 - you do not receive Medicaid and have over \$100.
- **If your facility manages your money and you get Medicaid,** your facility must tell you if your savings come within \$200 of the amount Medicaid allows you to keep.
- **You may see your financial record** at any time.

Your personal property rights

- **You have the right to keep and wear your own clothing.**
- **You may keep and use your own property.**
- **You have the right to expect your facility to have a safe place** where you can keep small valuables which you can get to daily.
- **Your facility must try to keep your property from being lost** or stolen. If your property is missing, the facility must try to find it.


Your rights in paying for your care and getting Medicare and Medicaid

- **If you are paying for some or all of your care at your facility,** you must be given a contract that states what services are provided by the facility and how much they cost. The contract must say what expenses are not part of the regular rate.
- **Your facility must not require anyone** else to sign an agreement saying that they will pay your bill if you cannot pay it yourself. The only one who can be required to pay your bill for you is a court appointed guardian or someone else who is handling your money for you.

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- **Your facility must give you information** about how to apply for Medicaid and Medicare and rules about “prevention of spousal impoverishment.” Prevention of spousal impoverishment rules allow you to give money and property to your spouse and still be eligible for Medicaid.
 - **You have a right to apply for Medicaid or Medicare** to help pay for your care.
 - **If you get Medicaid**, the facility may not make you pay for anything that Medicaid pays for. The facility must give you a written list of what items and services Medicaid pays for, and for items and services for which you could be charged.

Your rights to stay in your facility

- **You have the right to keep living in your facility.**
- **You must be given written notice if your facility wants you to move from the facility. The reasons for asking you to leave must only be for the following reasons:**
 - you are a danger to yourself or others;
 - your needs cannot be met by the facility;
 - your health has improved and you no longer need the services of a long-term care facility
 - You have not paid your bill after reasonable notice;
 - your facility closes
- **The notice must:**
 - tell you why your facility wants you to move;
 - tell you how to appeal the decision to the **Illinois Department of Public Health**;
 - provide a stamped and addressed envelope for you to mail your appeal in; and
 - be received 30 days prior to the day they want you to move from a Medicare or Medicaid certified facility
 - be received 21 days prior to the day they want you to move from a State licensed facility.

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- **You have the right to appeal** to the **Illinois Department of Public Health** and if you choose to appeal:
 - a Department of Public Health hearing officer will travel to your facility to hear why you believe you should stay in the facility and why the facility believes you should move, and
 - usually your facility cannot make you leave until the appeal is decided by the Department of Public Health.
 - If you do not appeal the decision, you are agreeing to the transfer or discharge.
 - **Before your facility can transfer or discharge you**, it must prepare you to be sure that your discharge is safe and appropriate.
 - **You cannot be forced to leave your facility** because you are applying for Medicaid or you are on Medicaid and a Medicaid bed is available. It is important to ask the facility how many Medicaid beds it has available.
 - **You have the right to ask the Long-Term Care Ombudsman** for help in appealing the transfer or discharge. **Call 1-800-252-8966** (Voice and TTY).
 - **If you have a developmental disability or mental illness**, you may ask **Equip for Equality, Inc.** for help in appealing your facility's forcing you to move. Call **1-800-537-2632** (voice and TTY).
 - **You must be allowed to return to your facility** after you are hospitalized as long as you still need that level of care. **If you get Medicaid and are hospitalized for ten or fewer days**, your facility must let you return when you leave the hospital even if the facility has given you a written discharge notice. If you are hospitalized **for more than ten days**, your facility must let you return if it has a bed available and you still need that level of care. If your facility is full, you must be allowed to have the first available bed, if you still need that level of care.
 - **You have the right to be told in advance and in writing if your room is being changed.** (Medicare or Medicaid certified facilities only)
 - **You have the right to choose your roommate** when practicable.
 - **You have the right to receive notice**, including the reason for the change before your room or roommate in the facility is changed.



Your rights as a citizen and a facility resident

- **You do not lose your rights as a citizen** of Illinois and the United States because you live in a long-term care facility.
- **If a court of law has appointed a legal guardian for you**, your guardian may exercise your rights for you.
- **If you have named an agent** under a Power of Attorney for Health Care, your agent may exercise your rights for you.
- **You have freedom of religion.** At your request, the facility must make arrangements for you to attend religious services of your choice as long as you agree to pay any cost. The facility may not force you to follow any religious beliefs or practices and cannot require you to attend any religious services.
- **You have the right to vote** for the candidate of your choice.
- **You have the right to participate in social and community activities.**
- **You have the right to participate in the resident council.**
- **You have the right to see reports of all inspections** by the Illinois Department of Public health from the last five years and the most recent review of your facility along with any plan that your facility gave to the surveyors saying how your facility plans to correct the problem.
- **You have the right to meet** with the Long-Term Care Ombudsman, community organizations, social service groups, legal advocates, and members of the general public who come to your facility.
- **You have the right to complain to your facility** and to get a prompt response. Your facility may not threaten or punish you in any way for asserting your rights or contacting outside organizations and advocates including the following agencies:
 - **Long-Term Care Ombudsman, 1-800-252-8966** (Voice & TTY).
 - **Equip for Equality, Inc.**, for persons with mental illness or developmental disabilities, **1-800-537-2632** (Voice & TTY).
 - **Illinois Department of Public Health, 1-800-252-4343 or 1-800-547-0466** (TTY).



Resident Council Bylaws

To operate in a consistent manner, a resident council needs a set of bylaws to govern procedures. Written bylaws give direction to the council's efforts and prevent confusion. By getting the basic guidelines in writing, a council avoids needless misunderstandings. Even councils that prefer to function informally will benefit from some written guidelines.

It is not necessary to spend a lot of time composing council bylaws. The council can use the sample set of bylaws included in this manual as a guide but the council should only include only what is appropriate for their council. The sample bylaws can be changed and personalized to fit the needs of the council. Remember that each council is unique.

Council's bylaws should not be cluttered with useless and surplus items. Each item should have a definite purpose and should be of a permanent nature.

Bylaws should be written in clear, simple language.

After proposed bylaws are written, council members should have adequate time to read them carefully. Council members should be encouraged to offer any suggestions, before voting on the bylaws.

Amendments to Bylaws

There must be provisions for amending the bylaws. The amending article should indicate who may originate amendments, how amending may be done, what kind of approval is needed to ratify an amendment (a majority of council members, two-thirds majority, etc.) and the effective date of the new amendment.

Any major amendment must be well publicized so all council members have an opportunity to read and understand what the amendment means, before the vote.

Uses of Bylaws

Publishing the bylaws is a good way to publicize the council and its purposes. Printing the final version of the bylaws in the resident's newsletter, posting copies in the lounge areas, and giving copies to staff and new residents assures the council that its purposes and procedures are known. New councils may wish to have the bylaws read aloud at a news hour.

The bylaws of a council serve as a reminder to the members of their mandate. As new members and officers appear, the bylaws give assurance of continuity. Bylaws serve as a guide to the past and direction for the future.



Right to Raise Grievances

Know Your Rights Regarding Grievances

The 1987 Nursing Home Reform Act guarantees Residents and families the right to voice *without fear of reprisal*, grievances concerning care or conditions at the nursing home and to expect that the facility will act to resolve the grievances. These rights apply to residents or family members that voice a grievance individually and also to resident and family councils that voice grievances as a group.

What the Federal Law Says About Grievances:

Grievances


A nursing facility must protect and promote the rights of each resident to voice grievances with respect to treatment or care that is (or fails to be) furnished, without discrimination or reprisal for voicing the grievances and the right to prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents. (42 USC § 1396r(c)(1)(a)(vi)

Participation in Resident and family groups

A nursing facility must protect and promote the rights of each resident to organize and participate in resident groups in the facility and the right of the resident's family to meet in the facility with the families of other residents in the facility: (42 USC § 1396r(c)(1)(a)(vii)

What the federal regulations say about grievances:

- 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.
- The facility must demonstrate their response and rationale for such response. However, this does not mean the facility must implement every request of the resident or family group.
- A resident has the right to voice grievances without discrimination or reprisal. Such grievances include those with respect to treatment which has been furnished as well as that which has not been furnished, the behavior of staff and of other residents, and other concerns regarding their facility stay. A resident has the right to prompt efforts by the facility to resolve grievances the resident may have,



including those with respect to the behavior of other residents. (42 CRF § 483.10 (j) The facility must post throughout the facility of the right to file grievances orally or in writing, the right to remain anonymous when filing a grievance, and the contact information for the Grievance Official. The Grievance Official is responsible for overseeing the grievance process – tracking grievances through to their conclusion, maintaining confidentiality during the process, leading necessary investigations, issuing written grievance decisions to the resident, and coordinating with state and federal agencies.

What the federal guidance to state surveyors say about grievances:

INTENT §483.10(j) To support each resident’s right to voice grievances (such as those about treatment, care, management of funds, lost clothing, or violation of rights) and to ensure that a policy is in place to process grievances. Facility staff are responsible for making prompt efforts to resolve a grievance and to keep the resident appropriately apprised of progress toward resolution.

Guidelines:


DEFINITIONS §483.10(j)

“Prompt efforts to resolve” include facility acknowledgment of a complaint/grievance and actively working toward resolution of that complaint/grievance.

PROCEDURES §483.10(j)

If a resident’s response indicates problems in voicing grievances and getting grievances resolved, determine how facility staff deal with and make prompt efforts to resolve resident complaints and grievances.

- With permission from the resident council president or officer, review resident council minutes.
- Interview staff about how grievances are handled.
- How does facility staff protect residents from discrimination or reprisal when a grievance is voiced?
- How does facility staff ensure the right of the residents to file a grievance anonymously is supported?
- Interview staff about communication with resident regarding progress toward resolution of complaint/grievance.
- Review facility grievance policy to see if compliant with necessary requirements as listed above.

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- Determine how information on how to file a grievance is made available to the resident.
 - Review grievance decisions to determine if required information was provided to residents and facility documentation was maintained for at least 3 years.

POTENTIAL TAGS FOR ADDITIONAL INVESTIGATION


If the facility failed to allow a resident to exercise his or her right to file a grievance, including the right to file an anonymous grievance, without interference, coercion, discrimination, or reprisal from the facility, see guidance at §483.10(b)(1), F550, Resident Rights and Dignity.

If facility staff failed to report all alleged violations involving neglect, abuse, including injuries of unknown source, and/or misappropriation of resident property, see guidance at §483.12(c)(1), (4), F609, Reporting of Alleged Violations.

KEY ELEMENTS OF NONCOMPLIANCE §483.10(j)

To cite deficient practice at F585, the surveyor's investigation will generally show that the facility failed to do one or more of the following:

- Support the resident's right to voice any grievance without discrimination, reprisal, or the fear of discrimination or reprisal; **or**
- Make prompt efforts to resolve the resident's grievance; **or**
- Make information on how to file a grievance or complaint available to the resident; **or**
- Establish a grievance policy that includes:
 - ◇ Notifying the resident individually or with prominent postings throughout the facility about:
 - ◆ The right to file a grievance in writing or orally;
 - ◆ The right to file a grievance anonymously;
 - ◆ The reasonable timeframe the resident can expect a completed review of the grievance;
 - ◆ The right to obtain the review in writing;
 - ◆ The required contact information of the grievance official;
 - ◆ The contact information of independent entities with whom grievances may also be filed; **or**
 - ◇ Identify the grievance official; **or**
 - ◇ Prevent any further potential violation of any resident right during the grievance review, if necessary; **or**

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- ◇ Immediately report certain violations as required by State law to the Administrator; **or**
 - ◇ Ensure written grievance decisions meets documentation requirements; **or**
 - ◇ Take appropriate corrective action in accordance with State law if the grievance is confirmed by the facility or an outside entity having jurisdiction; **or**
 - ◇ Maintain evidence of the result of all grievances for no less than 3 years from the date the grievance decision was issued.

*"Appendix PP - Guidance to surveyors – LTC Facilities, November 22, 2017


State Law and Regulations:

Remember – Illinois has additional laws and/or regulations relating to grievance rights and resident councils.

Grievance Resolution

It is important to have a clear complaint resolution process. Giving residents a voice in the process helps to brainstorm solutions, to draw on their talents and energy, and to keep doors of communication open between residents and staff. Facilities are required by state and federal law to have a grievance procedure. Not all grievances may be appropriate for resolution by the entire council. Some residents may not feel comfortable discussing personal matters. Both open and confidential, formal and informal methods should be available.

1. The process begins for the resident at the time of pre-admission. Procedures for grievance resolution should be explained as a part of the facility presentation to any prospective resident.
2. Upon admission a copy of the Resident's Bill of Rights must be given to each resident and explained.
 - a. Residents should be informed of the right to complain to appropriate authorities. Names, addresses and telephone numbers should be provided.
 - b. A Council representative may be trained to participate in the explanation.
 - c. A Council Welcoming or Orientation Committee may include further information in a visit shortly after the resident's arrival.

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3. A suggestion-grievance box may be displayed and publicized.
 - a. Contents should be checked regularly by Council representatives or designated administrative liaison to the Council, and then referred to the administrator, department head, resident council committee, or other appropriate staff for action.
 - b. Answers to unsigned notes should be posted beside the box at least weekly.
 - c. Answers and suggestions should be shared wherever possible with the Council
 4. Regular resident council meetings should be held.
 - a. An opportunity for members to raise concerns or complaints should be provided during each meeting
 - b. The council may choose to set aside time during the meeting for department heads to address any concerns. The facility staff should only attend the meeting during the designated time, not the entire meeting unless requested by the residents.
 - c. If the council chooses not to have staff attend the meeting, grievances should be presented in writing to the appropriate staff or Council committee for resolution.
 - d. All grievances raised during the meeting should be recorded in the minutes.
 - e. Responses to grievances should be received in a timely manner as indicated in the facility's grievance policy.
 - f. Responses should be specific and should be reflected in subsequent minutes.
 5. Periodically, the facility should work with the resident council to update and provide an explanation of the grievance procedure. Suggestions for improving and amending the process should be welcomed.





Illinois Administrative Code

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES
PART 300 SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE
SECTION 300.640 RESIDENTS' ADVISORY COUNCIL

Section 300.640 Residents' Advisory Council

- a) *Each facility shall establish a residents' advisory council consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. The administrator shall designate another member of the facility staff other than the administrator to coordinate the establishment of, and render assistance to, the council. (Section 2-203 of the Act)*
- b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following:
 - 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives, etc. on the council;
 - 2) the establishment of a separate community advisory group with persons of the residents' choosing; or
 - 3) finding a church or civic group to "adopt" the facility.
- c) The resident members shall be elected to the council by vote of their fellow residents and the nonresident members shall be elected to the council by vote of the resident members of the council.
- d) In facilities of 50 or fewer beds, the council may consist of all of the residents of the facility, if the residents choose to operate this way.
- e) All residents' advisory councils shall elect at least a Chairperson or President and a Vice Chairperson or Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance.

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- f) Some facilities may wish to establish mini-residents' advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section.
- g) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- h) *No employee or affiliate of any facility shall be a member of any council. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the council. (Section 2-203(a) of the Act)*
- i) *The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator, and the staff. (Section 2-203(b) of the Act)*
- j) *Records of the council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act)*
- k) *The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities. (Section 2-203(d) of the Act)*
- l) *The council shall be a forum for:*
- 1) *Obtaining and disseminating information;*
 - 2) *Soliciting and adopting recommendations for facility programming and improvements;*
 - 3) *Early identification of problems;*
 - 4) *Recommending orderly resolution of problems. (Section 2-203(e) of the Act)*
- m) *The council may present complaints on behalf of a resident to the Department, or to any other person it considers appropriate. (Section 2-203(f) of the Act)*

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- n) Families and friends of residents who live in the community retain the right to form family councils.
 - 1) If there is a family council in the facility, or if one is formed at the request of family members or the ombudsman, a facility shall make information about the family council available to all current and prospective residents, their families and their representatives. The information shall be provided by the family council, prospective members or the ombudsman.
 - 2) If a family council is formed, facilities shall provide a place for the family council to meet.

(Source: Amended at 31 Ill. Reg. 8813, effective June 6, 2007)

APPENDIX

Sample Agenda

Date, time (beginning and ending)

Place (of Resident Council meeting)

Welcome and Introductions

Pledge of Allegiance

Minutes and Correspondence

Officer Reports (President, Secretary, Treasurer)

Committee Reports

Old Business

New Business

Guest Speaker or Special Issue

Resident Concerns

Adjournment

Social Time



Sample Bylaws

I. Name

The name of our resident council shall be _____.

II. Purpose

The purpose of our resident council is: *to provide a tool from which Residents can communicate their needs and interests in the affairs of their home.*

III. Membership

Every resident is member of the _____ resident council.
Each resident can vote. (Please note: some councils have a representative council structure... members from each wing, building or floor who make up the council. This structure needs to be developed before the bylaws are written.)

IV. Officers and their duties

Officers of the council shall be:

- President (Chair) – shall preside over all meetings
- Vice President (Vice Chair) – presides in the absence of the President
- Secretary – shall take minutes and write correspondence as directed by the council
- Treasures – responsible for all financial business of the council

V. Committees

The council shall have the following committees as needed:

Executive (officers and board members or committee chairs)

Purpose: to give direction and organization to the council

Welcoming

Purpose: to greet new members and orient them to the facility



Sunshine

Purpose: to prepare greeting cards for resident in the hospital, those who have birthdays, etc.

Food

Purpose: to serve as a liaison between dietary services and the residents for suggestions and improvements.

Grievance

Purpose: to serve as a sounding board for grievances; to follow up on complaints with administrator or ombudsman.

VI. Elections

Elections (of officers/representatives) shall be every _____
(date, month)

VII. Meetings

Meetings will be held every _____

(be specific, date, day, time, location)

VIII. Amendments:

Amendments may be made to the bylaws at any regular or special meeting of the council by vote providing amendments are announced at least a month before the vote.

IX. Rules of Order:

Each meeting should be conducted according to written agenda. (Rules could follow Robert's Rules of Order or be determined by the group.)



Sample Minutes (Keep it Simple)

Date, Time, Place of resident council meeting

Welcome and Introductions

The meeting was called to order by *President Smith at 1:30 p.m.*

Present: *(names of officers and members.*

Minutes and Correspondence

The minutes were approved as distributed.

Correspondence included a letter from Happy Elementary thanking the resident council for their donation of Decorations for their annual carnival and a letter inviting our resident council to Participate in senior days in our local community.

Officers' Reports

President Davis reported he was invited to participate in Happy's board of directors meeting scheduled August 5 to give a report on the needs of the council. The list (see attached) was discussed and prioritized according to fiscal impact.


Treasurer Smith reported that since our fundraiser (selling hot dogs_ we have \$5011 in our treasury.

Secretary Jones – no report.

Committee Reports

Welcoming Committee reported we have 6 new residents since last meeting. There will be a write-up in our newsletter next month about them. They have been introduced to our board and are looking forward to joining our next meeting.

Dietary Committee is pleased to announce the Dietitian will be a guest speaker at our next meeting and we have made progress changing the hour of our breakfast.



Sunshine Committee announced that Bill Butte is better and will be home from the hospital soon but we have Sally Sound who we need to send a card. She is recuperating at Happy Hospital.

Old Business

Building remodeling – Administrator Johnson reported that the suggestions for carpeting from the residents have been taken into consideration and that they are shopping for a few aquariums for the sitting room.

The idea generated from the last meeting regarding a suggestion box is being pursued by the maintenance department as to size and location.

New Business

Election

The election is coming up and we want to be informed. It was moved, seconded and passed that we invite our candidates to Happy Home on September 22 for dialogue. It was suggested we invite other homes to join us. Mary Martin agreed to work with the President on the logistics.

Guest Speaker

Terry Thompson was introduced as our guest speaker. Terry is the President of the local Alzheimer's organization. A copy of her speech is available at the front desk and will be published in our newsletter.

Other Concerns

Concerns included: the number of new aides and the apparent lack of training. DNS Debbie will attend our next meeting to discuss.

Adjournment

The meeting was adjourned at 2:30 p.m. for a nice social of ice tea and cookies.

Respectfully submitted,

Lorraine Larson, Secretary



Sample Slate of Officers

Past President/Chair

Assists the President/Chair, as requested

President

Presides at all meetings

Acts as the official speaker and delegate

Conducts/facilitates good orderly meeting using parliamentary procedures.

Coordinates the Council activities and strategic plan

Coordinates with committees

Serves as a liaison between management and the councils

Vice President

Fills in for the President when they are unable to fill their duties

(Many facilities may not have a vice president. If they do, the VP has a significant responsibility as chair of a committee, such as dietary or grievance.)

Secretary

Keeps written record or minutes of all meetings

Writes correspondence as needed

Treasurer

Keeps record of funds generated and dispersed separate from the facility from other facility funds.



Sample Committee Ideas

Resident councils may want to establish committees for certain activities to enable Council members to key-in on specific tasks. Committee members can take the responsibility for performing the tasks, reporting their activities to the resident council and recruiting assistance from other members. Some committees are “standing” or ongoing, others will be organized for a specific short-term goal and may disband after it has been accomplished. Resident councils have established a variety of committees to meet their own needs and goals.

These committees are examples of how residents can become better acquainted with others in their home, establish social ties and create a sense of belonging. These committees create an effective channel for communication. Residents’ individual concerns and ideas as well as the resident council’s organized unified voice can be brought to the appropriate staff person. Staff also have an excellent forum in which to provide information or answer residents’ questions.

Birthday Committee

Recognize residents when they have a birthday. Help them celebrate—hang a ribbon their door, give a birthday card, help with a birthday party, sing happy birthday, offer to bring coffee or tea, ask resident about any special wish for the day, etc. Report to the Council upcoming birthdays and past events.

Dietary Committee

Meet with the dietician on a monthly basis to bring residents’ suggestions to the dietary department’s attention. Residents work with dietician to suggest menu changes, plan menus, survey residents for likes and dislikes, keep informed as to the regulations, plan resident baking activities, and act as food-tasting panel for the dietician. Dietary Committee makes a regular report back to the full resident council members.

Grievance Committee

This committee listens to problems or complaints from residents (e.g. smoking policies, schedules, noise problems, maintenance problems, etc.), make the problems known to the appropriate department, staff or administration, publicizes the grievance procedure, reviews the procedure periodically, keeps residents informed of results, and is also familiar with the community agencies that may prove useful.



Hospitality Committee

Greet new residents, help with orientation to the home; introduce new residents to employees and other residents, give tour and explanation of services, encourage them to participate in activities, explain the resident's rights to them. Also greet visitors, give tours, and serve coffee and snacks.

Legislative or Community and Governmental Affairs

Meet with local officials concerning different issues in the community or state, write letters to representatives, get residents involved in voter registration, make elections arrangement, help discussions on public affairs, keep track of legislation affecting residents.

Program/Education

Plan and provide a short informative program for each Council meeting: talks by various department heads, outside resource people, etc., plan educational classes.

Special Event/Activities Committee

Work with activity staff to plan and set up recreation programs and special parties (decorations, clean-up, refreshments), review activities, suggest new ideas, arrange holiday celebrations, outings, craft sales, bazaars, etc. Committee members may take a poll of the residents' interests in craft activities, outdoor events, social events, etc. The committee reports to the resident council members as to the activities and events that will be sponsored by the home during the month.

Sunshine Committee

Keep track of those who are ill or hospitalized, send get-well cards or sympathy cards, give support to families who have lost a loved one, attend funerals of residents who die.

Telephone Service Committee

Make local calls to residents discharged from the home and hospital, to elderly in the neighborhood who live alone and are lonely, and to others who are homebound.



Volunteer Service Committee

Arrange for residents to do volunteer service in the home: serve coffee, help in the gift shop, raise the flag, water plants, arrange flowers, distribute the mail, help put together the newsletter, etc. Volunteer to collate papers, address envelopes or collect donations for the Salvation Army, Heart-Lung Association, etc.

Resident Council Resolution Form

To: _____ **From:** _____

Re: _____ **Date:** _____

Response Due Date: _____

Please use this form to respond to the issues highlighted in the attached Resident Council Minutes.

Issue/s: _____

Resident Council Suggestions: _____



Facility Plan of Action: _____

Signature of Staff Providing Response: _____

Signature of Resident Council President: _____

Signature of Administrator: _____

Date Reviewed by Resident Council: _____

Resident Council Approval: ___ Yes ___ No

Resident Council Comments: _____



Resident Council is Everyone's Job

Council Members:

- Communicate your needs and concerns to the council.
- Actively participate in the council meetings.
- Act spokespersons for those who cannot speak for themselves.

Council Leaders:

- Keep in touch with the members.
- Speak up for those who cannot or will not speak for themselves.
- Support each other – publicly and privately.
- Plan agendas for council meetings.
- Get people to attend council meetings.
- Solve problems creatively.
- Work with your Ombudsman to understand the state and federal laws protecting residents' rights.

Staff Liaisons:

- Show commitment to the philosophy of the resident council.
- Understand residents' rights.
- Promote a safe environment for residents to voice concerns and maintain confidentiality.
- Recruit and support leaders.
- Provide skills training for council leaders.
- Empower the council.
- Monitor the group process.
- Provide in-service on resident councils to staff.



Other Staff:

Understand residents' rights.

Answer questions promptly and respectfully.

Discuss new policies with the council before implementation.

Encourage residents to be involved in the council.

Know the goals and projects of the council.

Administration:

Know and support the purposes of the council.

Understand residents' rights.

Answer questions promptly and respectfully.

Work out a grievance procedure with the council.

Keep the council informed of any changes that would affect residents and seek their advice.

Provide staff time, secretarial service and possibly funds.

Celebrate resident council achievements.

This tool kit was updated and revised by the Illinois Long-Term Care Ombudsman Program. Credit given for the original format to Shawnee Alliance for Seniors.

RESIDENT COUNCIL Self-Evaluation

An effective way to evaluate your resident council is by answering questions related to council effectiveness. This form was adapted from one devised by the Advocacy Center for Long-Term Care. For best results, two distinct groups should complete the survey – a group of residents, and a group of staff. To find the average score, total the scores of all evaluations completed and divide by the number of evaluations completed.

How is your Resident Council Organized?

1.	Do you hold meetings at least once a month?	<input type="checkbox"/> yes	<input type="checkbox"/> no
2.	Are your leaders chosen by residents?	<input type="checkbox"/> yes	<input type="checkbox"/> no
3.	Do you have written purposes and by-laws?	<input type="checkbox"/> yes	<input type="checkbox"/> no
4.	Do your meetings have planned agendas?	<input type="checkbox"/> yes	<input type="checkbox"/> no
5.	Do all participants know what is on the agenda?	<input type="checkbox"/> yes	<input type="checkbox"/> no
6.	Is a written record of meetings kept?	<input type="checkbox"/> yes	<input type="checkbox"/> no
7.	Are the meeting minutes consistently posted or published?	<input type="checkbox"/> yes	<input type="checkbox"/> no

How do the residents participate?

8.	Are most of the alert residents in your facility aware of the council and its purposes?	<input type="checkbox"/> yes	<input type="checkbox"/> no
9.	Is information about the council easily available?	<input type="checkbox"/> yes	<input type="checkbox"/> no
10.	Are residents involved as much as they are able in leading or planning council meetings?	<input type="checkbox"/> yes	<input type="checkbox"/> no



11. Is there a core group of residents who attend the meetings?	<input type="checkbox"/> yes	<input type="checkbox"/> no
12. Do most residents who attend appear interested?	<input type="checkbox"/> yes	<input type="checkbox"/> no
13. Do residents who are willing to be involved receive recognition?	<input type="checkbox"/> yes	<input type="checkbox"/> no
14. Do residents feel they can speak up without fear of retaliation?	<input type="checkbox"/> yes	<input type="checkbox"/> no

How do staff participate?

15. Do staff only attend resident council meetings when invited by the resident council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
16. Are all staff members aware of the existence and purpose of the council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
17. Is information about the council given to staff?	<input type="checkbox"/> yes	<input type="checkbox"/> no
18. Has a specific staff person been assigned to work with the council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
19. Would your council continue at its present level of activity if there were a change in staff?	<input type="checkbox"/> yes	<input type="checkbox"/> no

How does the administration participate?

20. Is the administration supportive of the council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
21. Does the administration stay in close contact with the council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
22. Are the council's recommendations given serious consideration by the administration?	<input type="checkbox"/> yes	<input type="checkbox"/> no



23. Does the administration seek the council's opinion before changing policies?	<input type="checkbox"/> yes	<input type="checkbox"/> no
24. Does the administration keep the council informed of changes in policies or regulations?	<input type="checkbox"/> yes	<input type="checkbox"/> no

How does the council encourage resident rights?

25. Does your facility have a written grievance procedure which involves the council?	<input type="checkbox"/> yes	<input type="checkbox"/> no
26. Is information about the council in your facility's handbook?	<input type="checkbox"/> yes	<input type="checkbox"/> no
27. Are problems or questions brought up at council meetings answered fairly with prompt follow-up?	<input type="checkbox"/> yes	<input type="checkbox"/> no
28. Are resident rights regularly discussed?	<input type="checkbox"/> yes	<input type="checkbox"/> no

How does your council provide opportunities for constructive involvement?

29. Is the council allowed to assist in choosing the types of activities and programs presented at the facility?	<input type="checkbox"/> yes	<input type="checkbox"/> no
30. Is the council involved in welcoming and/or orienting new residents and visitors?	<input type="checkbox"/> yes	<input type="checkbox"/> no
31. Does the council express concern for residents during difficult times, such as illness?	<input type="checkbox"/> yes	<input type="checkbox"/> no
32. Does the council acknowledge residents' birthdays?	<input type="checkbox"/> yes	<input type="checkbox"/> no
33. Has the council been informed about the responsibilities of the various departments in the facility?	<input type="checkbox"/> yes	<input type="checkbox"/> no
34. Has the council had opportunities for input into menu planning for daily meals or special events?	<input type="checkbox"/> yes	<input type="checkbox"/> no



35. Has your council expressed an opinion to a source outside of the facility, such as a public official or newspaper?	<input type="checkbox"/> yes	<input type="checkbox"/> no
36. Has your council been involved in sponsoring or planning a special event or activity for the facility?	<input type="checkbox"/> yes	<input type="checkbox"/> no
37. Is the council asked to participate in solving problems within the facility?	<input type="checkbox"/> yes	<input type="checkbox"/> no

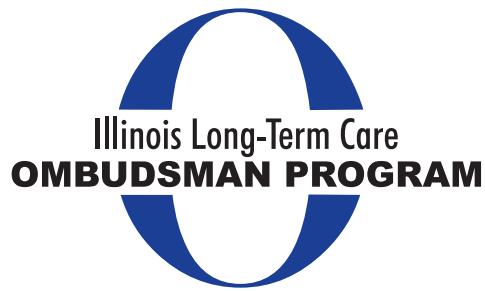
BONUS QUESTION

38. Does your council have a positive effect on residents and staff in your facility?	<input type="checkbox"/> yes	<input type="checkbox"/> no
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TOTALS: _____
 YES NO BONUS

OVERALL TOTAL POINTS: _____

Give each YES answer 2 points. Give a bonus of 10 points if you answered YES to question number 36. There are a possible 80 points. A score over 58 indicates that your council is probably effective. A lower score may indicate problems or dissatisfaction, which the council would need to address.



**Illinois Department on Aging
One Natural Resources Way # 100
Springfield, Illinois 62702-1271
www.illinois.gov/Ombudsman**

**Senior HelpLine: 1-800-252-8966 (Voice)
1-888-206-1327 (TTY)
(8:30am to 5:00pm, Monday through Friday)
Email: aging.ilsenior@illinois.gov
www.illinois.gov/aging**

LOCAL OMBUDSMAN PROGRAM:

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and federal statues. If you feel you have been discriminated against, you have a right to file a complaint with the Illinois Department on Aging. For information call the Senior HelpLine: 1-800-252-8966; 1 888 206-1327 (TTY).