

**Introduced by Senator Dunn**

February 17, 2000

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An act to amend Section 1418.4 of the Health and Safety Code, relating to long-term care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1551, as introduced, Dunn. Long-term care facilities: family councils.

Existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, prohibits a licensed skilled nursing facility or intermediate care facility from prohibiting the formation of a family council, as defined, and requires that the family council shall be allowed to meet in the facility during mutually agreed upon hours, upon the request of a member of facility resident's family or the representative's responsible party.

This bill would revise the above provisions relating to family councils, including requiring that a family council be allowed to meet at least once a month in the facility, and replacing references to a resident's "responsible party" or "agent" with the term "representative." The bill would also impose specified requirements on the facility with respect to responding to requests resulting from family council meetings, and notification of meetings. This bill would require the State Department of Health Services to impose a civil penalty of not more than \$1,000 upon any person who violates the bill's provisions relating to family councils, and would provide that each day a violation continues constitutes a separate violation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1418.4 of the Health and Safety  
2 Code is amended to read:  
3 1418.4. (a) No licensed skilled nursing facility or  
4 intermediate care facility may prohibit the formation of  
5 a family council, and, when requested by a member of the  
6 resident’s family or the resident’s ~~responsible party~~  
7 *representative*, the family council shall be allowed to  
8 meet in a common meeting room of the facility *at least*  
9 *once a month* during mutually agreed upon hours.

10 (b) Facility policies on family councils shall in no way  
11 limit the right of residents ~~and~~, family members, *and*  
12 *family council members* to meet independently with  
13 outside persons, including members of nonprofit or  
14 government organizations or with facility personnel  
15 during nonworking hours.

16 (c) “Family council” for the purpose of this section  
17 means a meeting of family members, friends, ~~responsible~~  
18 ~~parties, or agents as defined in Section 14110.8 of the~~  
19 ~~Welfare and Institutions Code~~ *or representatives* of two  
20 or more ~~patients residents~~ to confer in private without  
21 facility staff.

22 (d) Family councils shall also be provided adequate  
23 space on a prominent bulletin board or other posting area  
24 for the display of meeting notices, minutes, ~~and~~  
25 ~~newsletters~~ *newsletters, or other information pertaining*  
26 *to the operation or interest of the family council.*

27 (e) *Staff or visitors may attend family council*  
28 *meetings, at the group’s invitation.*

29 (f) *The facility shall provide a designated staff person*  
30 *who shall be responsible for providing assistance and*  
31 *responding to written requests that result from family*  
32 *council meetings.*

33 (g) *The facility shall consider the views and act upon*  
34 *the grievances and recommendations of a family council*



1 *concerning proposed policy and operational decisions*  
2 *affecting resident care and life in the facility.*

3 *(h) The facility shall respond in writing to written*  
4 *requests or concerns of the family council, within 10*  
5 *working days.*

6 *(i) When a family council exists, the facility shall*  
7 *include notice of the family council meetings in the*  
8 *monthly billings, and shall inform family members,*  
9 *friends, and representatives of new residents of the*  
10 *existence of a family council, and the time, place, and date*  
11 *of meetings.*

12 *(j) No facility shall willfully interfere with the*  
13 *formation, maintenance, or promotion of a family*  
14 *council. For the purposes of this subdivision, willful*  
15 *interference shall include, but not be limited to,*  
16 *discrimination or retaliation in any way against an*  
17 *individual as a result of his or her participation in a family*  
18 *council, or the willful scheduling of facility events in*  
19 *conflict with a previously scheduled family council*  
20 *meeting.*

21 *(k) (1) Violation of the provisions of this section shall*  
22 *constitute a violation of residents' rights.*

23 *(2) The State Department of Health Services shall*  
24 *impose a civil penalty of not more than one thousand*  
25 *dollars (\$1,000), payable to the department, upon any*  
26 *person who violates the provisions of this section. Each*  
27 *day a violation continues shall constitute a separate*  
28 *violation.*

