

## ATTACHMENT A

SECTION 155. Said chapter 111 is hereby amended by adding after section 72Y the following section:—

Section 72Z. (a.) No licensed skilled nursing facility or intermediate care facility may prohibit the formation of a family council and when requested by a member of the resident's family or the resident's representative, the family council shall be allowed to meet in a common meeting room of the facility at least once a month during the mutually agreed upon hours.

(b.) For the purpose of this section "Family council" means a meeting of family members, friends or representatives of 2 or more residents to confer in private without facility staff.

(c.) The facility will inform family members upon the admission of a resident of their right to form a family council. The facility shall not deny a family council the opportunity to accept help from an organization or individual outside of the facility.

(d.) Facility policies on family councils shall in no way limit the rights of residents, family members, and family council members to meet independently with outside persons.

(f.) The facility shall not prevent or interfere with the family council receiving outside correspondence which is addressed to the council. Family council mail shall be delivered unopened to the governing body or contact person of the council.

(g.) Staff or visitors may attend family council meetings at the group's invitation.

(h.) The facility shall provide a designated staff person who shall be responsible for providing assistance to the family council, if requested by the council, and responding to written requests that result from family council meetings.

(i.) The facility shall consider the views and act upon the grievances and recommendations of the family council concerning proposed policy and operational decisions affecting residents care and life at the facility.

(j.) The facility shall respond in writing to written requests or concerns of the family council within 5 working days.

(k.) When a family council exists during the admission process, the facility shall inform family members or representatives of new residents, who are identified on the admissions agreement, or in the resident's records, of the existence of a family council. The notice shall include the time, place and date of meeting and the person to contact regarding involvement in the family council.

(l.) No facility shall willfully interfere with the formation, maintenance or promotion of family council. The willful interference with a family council shall include, but not be limited to, discrimination or retaliation in any way against an individual as a result of his/her participation in a family council or the willful scheduling of facility events in conflict with previously scheduled family council meetings.

(m.) A violation of this section will constitute a violation of resident rights. The Department of Public Health shall impose a civil penalty upon any person who violates this section and shall promulgate such regulations as may be necessary to implement this section.