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Center for Quality Assurance and Control
10 West Street, Boston, MA 02111
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CIRCULAR LETTER: DHCQ 12-04-447

TO: Long-Term Care Facility Administrators

FROM: Paul I. Dreyer, Ph.D., Associate Commissioner

DATE: January 4, 2005

RE: Revisions to Circular Letter of Dec. 20, 2004: Family Councils in Nursing Homes

Please note that this circular letter replaces the version dated Dec. 20, 2004.

The purpose of this letter is to advise nursing facilities of new requirements governing the establishment and empowerment of resident councils resulting from recent amendments to Mass General Laws. (Sec. 155 of H. 4850, Conference Report on the FY05 State Budget; see Attachment A) Nursing facilities are advised to follow the new requirements as they relate to the formation and operation of nursing facility family councils. In implementing these requirements, administrators must keep their patients' safety and quality of care as their primary care concerns. The amendment, which has already become effective, contains the following mandates:

- Upon request a licensed facility must allow the formation of a family council and must allow the family council to meet in a common meeting room of the facility during agreed upon hours.
- Upon a resident's admission, the facility must inform family members of their right to form a family council. When a family council exists, the facility must notify a new resident's family members (or representatives) about the family council and provide the time, place and date of meeting as well as the name of a family council contact person.
- The facility may not deny a family council the opportunity to accept organizational help from a group or individual outside of the facility.
- Facility policies on family councils may not limit the rights of residents, family members or family council members to meet independently with outside persons.

- Facilities must provide adequate space on a prominent bulletin board or other posting area to post family council notices, minutes, newsletters, or other family council information.
- The facility may not interfere with the family council's receipt of outside correspondence addressed to it, and must ensure that correspondence is delivered unopened to the governing body of or contact person for the council.
- Staff or visitors may attend family council meetings only if invited by the council.
- The facility shall provide a staff member to assist families upon request of the council, and to respond to written requests from the family council.
- The facility shall consider the views and shall act upon the family council's grievances and recommendations concerning proposed policy and operational decisions that affect resident care and quality of life.
- The facility shall respond in writing within five working days to the family council's written requests or concerns.
- No facility shall willfully interfere with the formation, maintenance or promotion of a family council. Examples of willful interference include scheduling facility events that conflict with previously scheduled family council meetings or retaliating in any way against an individual for his or her participation in a family council.

Compliance with this new law will be determined at the time of an annual survey or any other inspection or complaint investigation. If you have any questions about the new statute, please call Jill Mazzola, Assistant Director, at 617-753-8106.