



State of California—Health and Human
Services Agency
**California Department of
Public Health**



GAVIN NEWSOM
Governor

April 12, 2023

AFL 23-16

TO: Skilled Nursing Facilities (SNFs)

SUBJECT: Clarification on Family Council Requirements

AUTHORITY: Health and Safety Code (HSC) section 1418.4

All Facilities Letter (AFL) Summary

This AFL clarifies the California state requirements for family councils in SNFs. Although the Centers for Medicare and Medicaid Services (CMS) issued guidance (PDF) that does not require SNF residents to organize family councils, California state law requires SNFs to have family councils.

Background

Pursuant to State Operations Manual (SOM) Appendix PP (PDF), Title 42 Code of Federal Regulations section 483.10(f)(5)-(7) does not require SNF residents to organize a family council; however, if residents or their families wish to organize, they must be able to do so without interference. Additionally, they must be provided space, privacy for meetings, and staff support.

Although CMS does not require residents to organize family councils, California state law requires SNFs to have family councils. This AFL clarifies the state requirements for family councils in SNFs.

State Requirements

Pursuant to HSC section 1418.4, SNFs may not prohibit residents from organizing a family council when requested by a member of the resident's family or the resident's representative. A family council is defined as a meeting of family members, friends, or representatives of two or more residents to confer in private without facility staff. The family council must be allowed to meet in a common meeting room of the facility at least once a month during mutually agreed upon hours. Staff or visitors may attend family council meetings, at the group's invitation.

Facility policies on family councils must not limit the right of residents, family members, and family council members to meet independently with outside persons, including members of nonprofit or government organizations or with facility personnel during nonworking hours. SNFs must not willfully interfere with the

formation, maintenance, or promotion of a family council, including, but not limited to, discrimination or retaliation in any way against an individual as a result of his or her participation in a family council, or the willful scheduling of facility events in conflict with a previously scheduled family council meeting.

Additionally, SNFs must do the following:

- Provide adequate space on a prominent bulletin board or other posting area for the display of meeting notices, minutes, newsletters, or other information pertaining to the operation or interest of the family council
- Provide a designated staff person who must be responsible for providing assistance and responding to written requests that result from family council meetings
- Consider the views and act upon the grievances and recommendations of a family council concerning proposed policy and operational decisions affecting resident care and life in the facility
- Respond in writing to written requests or concerns of the family council, within 10 working days
- Include notice of the family council meetings in at least a quarterly mailing, and shall inform family members or representatives of new residents who are identified on the admissions agreement, during the admissions process, or in the resident's records, of the existence of the family council. The notice must include the time, place, and date of meetings, and the person to contact regarding involvement in the family council.

If you have any questions about this AFL, please contact your local district office.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

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