

Exercising Your Rights & Resolving Problems In Continuing Care Retirement Communities

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

Residents in Continuing Care Retirement Communities (CCRCs) have a wide range of rights. Knowing one's rights is the first step to effectively exercising them. (See *Rights of Residents in CCRCs*.)

There are many ways to effectively exercise one's rights and to resolve problems and concerns that arise in CCRCs.

Work with Staff and Administration

Residents in CCRCs have the right “to expect effective channels of communication between residents and staff, and between residents and the administration or provider’s governing body.” (Health & Safety Code §1771.7(c)(4)) In addition, CCRC providers have the responsibility to “maintain an environment that enhances the residents’ self-determination and independence” and “establish policies and procedures that promote the sharing of information, dialogue between residents and management, and access to the provider’s governing body.” (Health & Safety Code §1771.7(d)(d)(2))

Consider some of the following approaches, and refer to the Fact Sheet – *Self Advocacy Approaches*:

- Meet directly with the staff, supervisor and/or administrator designated as responsible to resolve particular problem(s)
- Know and follow the policies and procedures for resolving problems and concerns
- Use the grievance procedure
- Make written suggestions to administration
- Go up the “chain of command” if the problem is not resolved at a lower level, e.g., set up a meeting with the appropriate supervisor, department head or administrator
- Write a letter to the board of directors and to corporate headquarters
- Put in writing your concerns, desired outcomes, process for resolution, and a reasonable timetable for changes to be made.

Participate In a Resident Association and/or an Independent Resident Organization

CCRC residents have the right to “organize and participate freely in the operation of independent resident organizations and associations.” (Health & Safety Code §1771.7(c)(9)) In addition, CCRC providers have the responsibility to “encourage the formation of a resident association ...” (Health & Safety Code §1771.7(d)(1))

Collective action increases the potential for positive outcomes and offers protection from the fears of retaliation when acting alone.

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- Raise the issue with the resident association
 - Request the appropriate staff to discuss the problem and explore options
 - Make recommendations to management regarding resident concerns and improvements for quality of services, environment, staffing, care, costs, etc.
 - Submit concerns or requests to management in writing to increase accountability and to monitor changes. Providers are required to respond in writing within 20 working days of receipt of such a written request or concern (H&S 1771.7(d)(1))
 - Form an independent resident organization by creating a chapter of the California Continuing Care Residents Association (CALCRA). Some residents experience traditional Resident Associations acting more as an arm of management rather than an independent voice for residents' concerns and issues

Participate In or Form Resident Councils

Residents in Assisted Living may form a Resident Council and residents in Skilled Nursing can participate in a Resident Council. (H&S 1569.157 and H&S 1418.2)

Form a Family Council

Since CCRCs are subject to laws governing Residential Care Facilities for the Elderly and Skilled Nursing, there is a right to form Family Councils. (H&S 1569.158 and H&S 1418.4)

The purpose of a Family Council is to influence all aspects of resident care and services. By presenting a united voice, the Family Council supports individuals, increases power, and provides protection to fears about retaliation. It offers a constructive forum to communicate with staff and management. Participation in a Family Council is open to family members, residents and friends of residents.

For more information on Family Councils, contact California Advocates for Nursing Home Reform, www.canhr.org or 415-974-5171 to request free copies of the following resources:

- Booklet - *Organizing Family Councils in Long Term Care Facilities*
- DVD - *Family Councils: Making a Difference*

Other Actions

- Depending on the issues, problems or concerns or the results of the approaches indicated above, consider one or more of the following actions:
- File a formal complaint with the appropriate licensing agency. (Refer to CANHR's Fact Sheet – *Filing Complaints Against CCRCs.*)
- Join CALCRA to be involved in policy and legislative initiatives regarding CCRCs
- Become a member of CANHR to be informed about long term care issues and to be involved in legislative advocacy
- Contact your state legislators and send them copies of your concerns and complaints. To find the legislators representing your district, go to this website <http://www.leginfo.ca.gov/yourleg.html>.
- Seek legal representation by contacting CANHR's Lawyer Referral Service.