§ 2803-q. Family councils in residential health care facilities. 1. As used in this section:

(a) Family council means an organization of family members, friends, or representatives of two or more residents of a residential health care facility, organized to act under this section.

(b) Facility means the residential health care facility for which a family council is formed.

2. No residential health 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, in private without facility staff at least once a month during mutually agreed upon hours.

3. Facility policies on family councils shall in no way 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 non-working hours.

4. Family councils shall also be provided 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.

5. Staff or visitors may attend family council meetings, at the group's invitation.

6. The facility shall provide a designated staff person who shall be responsible for providing assistance and responding to written requests that result from family council meetings.

7. The facility shall 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.

8. The facility shall respond in writing to written requests or

concerns of the family council, within ten working days.

9. When a family council exists, the facility shall 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 shall include the time, place, and date of meetings, and the person to contact regarding involvement in the family council.

10. No facility shall willfully interfere with the formation, maintenance, or promotion of a family council. For the purposes of this subdivision, willful interference shall include, but not be 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.

11. Violation of the provisions of this section shall constitute a violation of the resident's rights pursuant to this chapter.