

Facility staff may not place limitations on a resident based solely on their status as a justice involved resident or as a part of restrictive law enforcement requirements, such as conditions of probation or parole. See §483.10(a), F550, Resident Rights for guidance on justice involved residents.

#### **PROCEDURES §483.10(f)(4)(vi)**

Through interviews with residents and/or their representatives, determine how they were informed of their visitation rights and related policies and procedures, including their right to consent to receive or deny visitors he or she designates, any clinical or safety restriction, or limitation on such rights imposed by the facility.

Determine if the facility has ensured visitation rights consistent with resident preference.

Examples of noncompliance may include, but are not limited to:

- Prohibiting a resident from having visits from his or her spouse or domestic partner, including a same-sex spouse or partner.
- Facility staff did not inform a resident, the family, and/or resident representative of their visitation rights, including any restrictions or limitations of these rights that may be imposed by the facility or the resident, the family, and/or resident representative;
- Facility staff denied, limited or restricted a resident's visitation privileges contrary to their choices, even though there were no clinical or safety reasons for doing so.

#### **F565**

**(Rev. 173, Issued: 11-22-17, Effective: 11-28-17, Implementation: 11-28-17)**

**§483.10(f)(5) The resident has a right to organize and participate in resident groups in the facility.**

- (i) The facility must provide a resident or family group, if one exists, with private space; and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.**
- (ii) Staff, visitors, or other guests may attend resident group or family group meetings only at the respective group's invitation.**
- (iii) The facility must provide a designated staff person who is approved by the resident or family group and the facility and who is responsible for providing assistance and responding to written requests that result from group meetings.**
- (iv) The facility must consider the views of a resident or family group and act promptly upon the grievances and recommendations of such groups concerning issues of resident care and life in the facility.**
  - (A) The facility must be able to demonstrate their response and rationale for such response.**
  - (B) This should not be construed to mean that the facility must implement as recommended every request of the resident or family group.**

**§483.10(f)(6) The resident has a right to participate in family groups.**

**§483.10(f)(7) The resident has a right to have family member(s) or other resident representative(s) meet in the facility with the families or resident representative(s) of other residents in the facility.**

**DEFINITIONS §483.10(f)(5)-(7)**

“A resident or family group” is defined as a group of residents or residents’ family members that meets regularly to:

- Discuss and offer suggestions about facility policies and procedures affecting residents’ care, treatment, and quality of life;
- Support each other;
- Plan resident and family activities;
- Participate in educational activities; or
- For any other purpose.

**GUIDANCE §483.10(f)(5)-(7)**

This requirement does not require that residents organize a resident or family group. However, whenever 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. The designated staff person responsible for assistance and liaison between the group and the facility’s administration and any other staff members may attend the meeting only if invited by the resident or family group. The resident or family group may meet without staff present. The groups should determine how frequently they meet.

Facility staff are required to consider resident and family group views and act upon grievances and recommendations. Facility staff must consider these recommendations and attempt to accommodate them, to the extent practicable. This may include developing or changing policies affecting resident care and life. Facility staff should discuss its decisions with the resident and/or family group and document in writing its response and rationale as required under 42 CFR §483.10(j), F585, Grievances.

**PROCEDURES §483.10(f)(5)-(7)**

During the entrance interview, determine:

- If there is a resident or family group;
- Who the resident or family representative is for each of these groups; and,
- Who the designated staff person is for assisting and working with each of these groups.

If residents or their families attempted to organize a group and were unsuccessful, why?

Through interviews with the representatives for the resident and family groups and staff designated for assisting and working with these groups, determine:

- Are groups able to meet without staff present unless desired?
- If a resident wants a family member present during a resident group meeting, how is this handled? Facility staff should not require said family member to leave the group meeting, without the permission of the group.
- How views, grievances or recommendations from these groups are considered, addressed and acted upon; and,