



## **RCFEs: Self-Advocacy Approaches for Residents & Family Members**

Self-advocacy is an act of empowerment! Here are some principles and practical tips to make your advocacy efforts more effective.

Central to successful self-advocacy is knowledge about one's rights. Be firm while exercising your rights. Always maintain a calm manner and act with assertiveness. Be persistent, ask for honest communication, and insist on accountability.

**Rights:** Know your rights as a resident. (See CANHR's Fact Sheet on **RCFEs: Outline of Residents' Rights.**)

- The facility must post and make available to all residents and visitors a copy of the resident rights and how to make complaints. The facility should explain these rights to you at the time of admission. (See California Health & Safety Code, Section 1569.267; California Code of Regulations, Title 22, Section 87468(c)(2).)
- You always have a right to express concerns, to offer suggestions or to make complaints and to do so without fear of retaliation. (See California Health & Safety Code, Section 1569.269(a)(4), (11).)
- If you have trouble exercising your rights contact the Long Term Care Ombudsman Program in your county for assistance (<https://www.aging.ca.gov/Programs/LTCOP/Contacts/>) . The Ombudsman is your 'on the scene advocate,' and can help you resolve concerns about your care and rights. A poster with the telephone number for the local Ombudsman Program must be clearly displayed in every Residential Care Facility for the Elderly. (California Health & Safety Code, Section 1569.269(a)(12).)

**Facts:** Document your concerns.

- Keep a small notebook to record your observations. Write down important facts by noting the who, what, when, where, and how a right was violated.
- Be as specific as possible. State the facts and avoid making conclusions.
- Organize events in chronological order, i.e., the time and date for what happened.
- When appropriate, refer to important documents, such as your Admission Agreement or medical records.

**Outcomes:** Clearly state the results that you want.

Focus your desired results by answering the following questions:

- What do you really want?
- What can you live with?
- What is unacceptable?

- State your desired results in simple declarative sentences.
- Present the desired outcome in positive terms.
- Act as a problem solver, not as a complainer.

**Options:** Create one or two acceptable options for each concern that you raise.

- Come up with solutions or options that will achieve your outcomes.
- State your options in terms of needs or preferences.
- Ask the facility if they can suggest any options that may be acceptable to you.

**Negotiation:** Plan a meeting or meetings to achieve your desired results.

- Identify the person(s) who is in a position to resolve your concern(s).
- Set up a meeting that will include appropriate staff, e.g., Administrator or Manager, Activities Coordinator, social worker, cook, etc.
- Bring in allies who can give you moral support, e.g., family member or friend, Ombudsman, pastor, attorney, etc.
- During the meeting, listen to build understanding and to gain information, but don't get distracted. Stay focused on your desired outcome.
- Demonstrate that you are a reasonable and cooperative individual. Work to deescalate hostilities. Don't personalize the argument or put down the person whom you are talking to. Harsh words usually lead to defensiveness rather than the openness that you need in order to achieve your desired outcome.
- Find points of agreement or compromise—This creates trust. Build on these points before dealing with more difficult issues.
- If applicable, demonstrate the uniqueness of your situation and ask for an exception.
- Agreements should be based on objective criteria.
- Summarize your understanding of the agreed upon outcome(s) before ending the meeting.
- Insist on a date for resolution or a timetable for changes to be made.
- Whenever possible, put your agreement in writing. This creates a permanent record in case there are any misunderstandings in the future. It can also be a tool to promote accountability by measuring progress against agreed upon outcomes and timetables.

**Appeal:** If you are not satisfied with the outcome of the meeting, appeal the decision.

- One approach is to go up the "chain of command" until you find a positive resolution. If you are not making progress with the person you are talking to, ask to speak with the person's supervisor or the person in charge of the department or the facility.
- If talking to the top person at the facility doesn't work, then call or write a letter to the owner or to corporate headquarters.
- Putting your concerns in writing and insisting on a written response can be very effective.

**Formal Complaint:** When problems are persistent or serious, file a formal complaint.

- Contact the local Ombudsman Program; and/or
- Call, write or fax **the Centralized Complaint and Information Bureau (“CCIB”)**. **The CCIB will send your complaint to the appropriate regional office of the California Department of Social Services for investigation and follow-up. (For more information, see CANHR's Fact Sheet on Filing Complaints.)**
- If you are not satisfied with the outcome of a complaint filed with the state, consider hiring a private attorney to file a civil lawsuit against the facility. For information on finding an Elder Law Attorney, see <http://canhr.org/LRS/index.html>.