



The National **Long-Term Care**  
**Ombudsman** Resource Center



## Sexual Expression and Intimacy in Long-Term Care Facilities

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# Welcome

- ▶ Virtual Office Hours are **informal**, monthly calls on **specific topics**
- ▶ Opportunity to **learn from your peers** and **receive technical assistance**
- ▶ Unmute yourself to ask questions via **audio**, or type your question in the **chat**
- ▶ This call is **not being recorded**
- ▶ **Certificates of participation are not provided** because registration is not required
- ▶ Links to **resources** will be posted in the chat box and will be posted to the NORC website – [ltcombudsman.org](http://ltcombudsman.org).
- ▶ **Ideas for topics?** Email [ombudcenter@theconsumervoice.org](mailto:ombudcenter@theconsumervoice.org)
- ▶ **NOTE: Today's call will contain explicit language about sex and intimacy.**



# Resources

# Consumer Voice Podcast on Sexual Expression and Intimacy

- ▶ Earlier this year, Consumer Voice was joined by Patty Ducayet, Texas State Long-Term Care Ombudsman, to explore the complex issues surrounding the ability to consent to sexual activity among long-term care residents and supporting a resident's right to intimacy and sexual expression.
- ▶ Listen on Consumer Voice's website, Apple Podcasts, SoundCloud, YouTube, or Spotify.
- ▶ <https://theconsumervoice.org/pursuingquality>



# NORC Resource Hub

- ▶ Visit the NORC website for more information and resources on sexuality and intimacy in long-term care.
- ▶ <https://ltcombudsman.org/issues/sexuality-and-intimacy-in-long-term-care-facilities>

The screenshot displays the website interface for The National Long-Term Care Ombudsman Resource Center. The top navigation bar includes links for Home, News, About, New ombudsman?, Library, Events, Support, and Issues. Below the navigation, the site's name and logo are visible, along with a search bar and filters for 'Specialized Information for:' including Nursing Homes, Assisted Living/Board & Care, and Home and Community Based Services. The main content area features a 'Locate an Ombudsman' section with a map icon and text: 'Locate an Ombudsman, Citizen Advocacy Group and other resources near you'. Below this is an 'Are You A New Ombudsman?' section with an envelope icon and text: 'Access resources to get you started!'. The central article is titled 'Sexuality and Intimacy in Long-Term Care Facilities' and includes a 'Back to Issues' button. The article text states: 'Intimacy and physical sexual expression is a basic human right and need throughout the lifespan. Find resources to help caregivers recognize consensual intimacy, protect residents from sexual abuse, and support residents' rights.' It lists three bullet points: 'Policies and Guidelines', 'Consumer Voice Resources', and 'Ombudsman Program Examples'. Below the article, there are sections for 'Policies and Guidelines' with a link to 'Policies and Procedures Concerning Sexual Expression at the Hebrew Home at Riverdale', 'Assessing Consent to Sexual Activity in Older Adults', 'Consumer Voice Resources', and 'Sexual Abuse in Nursing Homes: What You Need to Know (September 2018) Issue Brief from Consumer Voice and NCEA'.

# Ombudsman Program Examples: State-by-State Information

- ▶ Visit NORC's Ombudsman Program Examples page for information on specific state policies and guidelines around sexuality and intimacy in long-term care.
- ▶ [https://ltcombudsman.org/omb\\_support/program-examples#sexuality](https://ltcombudsman.org/omb_support/program-examples#sexuality)

## Sexuality and Intimacy in Long-Term Care Facilities

### **Colorado**

**Frequently Asked Questions and Answers Related to Resident Sexual Activity**

**Investigative Guidelines: Resident Intimacy and Sexual Behavior**

### **Iowa**

**Sexual Expression Policy Development: A Guide for Long-Term Care Facilities and Assisted Living Programs** (December 2016)

**Capacity to Consent to Sexual Expression in Long-Term Care** (2016)

**Sexual Expression in Long-Term Care**

**Sexuality and Aging Fact Sheet** (2015)

# Consumer Voice Fact Sheet

- ▶ Available on the Consumer Voice website, this fact sheet outlines types and signs of sexual abuse, an overview of resident rights and an action plan for staff if they suspect sexual abuse is occurring.
- ▶ <https://ltcombudsman.org/issues/sexuality-and-intimacy-in-long-term-care-facilities>

ISSUE BRIEF

The National  
**CONSUMER VOICE**  
for Quality Long-Term Care  
Formerly NCOA

## Sexual Abuse in Nursing Homes: What You Need to Know

Sexual abuse is non-consensual sexual contact by one person upon another. It may happen as the result of deceiving, manipulating, or forcing the resident into sexual contact. Sexual abuse is a form of elder abuse that frequently goes underreported, under-investigated, and unnoticed. In 2016, Ombudsman programs investigated 819 complaints regarding sexual abuse.<sup>1</sup>

**Sexual abuse can take on many forms and includes:**

- Unwanted intimate touching of any kind, especially to breasts or genital area;
- Rape, oral or anal sex;
- Forced nudity;
- Forced observation of masturbation and/or pornography; and
- Taking sexually explicit photographs or audio/video recordings of a resident and distributing them online or in-person. This includes pictures or recordings of residents that are not fully clothed while they are being cared for (bathing, dressing, etc.).

Women and residents with dementia are more likely to be victims of sexual abuse. Women comprise nearly two-thirds (65.6%) of the nursing home population.<sup>2</sup> Residents with dementia are particularly susceptible to sexual abuse because of their impaired memory and communication skills. While women and residents with dementia are more likely to become victims of sexual abuse, all residents are vulnerable to abuse.

The abuser can be anyone who has contact with the resident. Residents may know their abuser, such as a family member, friend, or staff person, or they could be complete strangers. Abusers could include permanent and temporary staff, visitors to the facility, and even other residents. Some residents may have dementia or another mental health issue that impacts their choices and behavior and result in resident-to-resident sexual aggression (RRSA). Dementia-driven RRSA is the most common form of sexual abuse in nursing homes.<sup>3</sup>

It is important to note that residents have the right to engage in consensual sexual activity, but this is dependent on both residents having the capacity to consent. A resident's ability to consent to sexual activity needs to be carefully and adequately assessed through proper legal and ethical processes, as

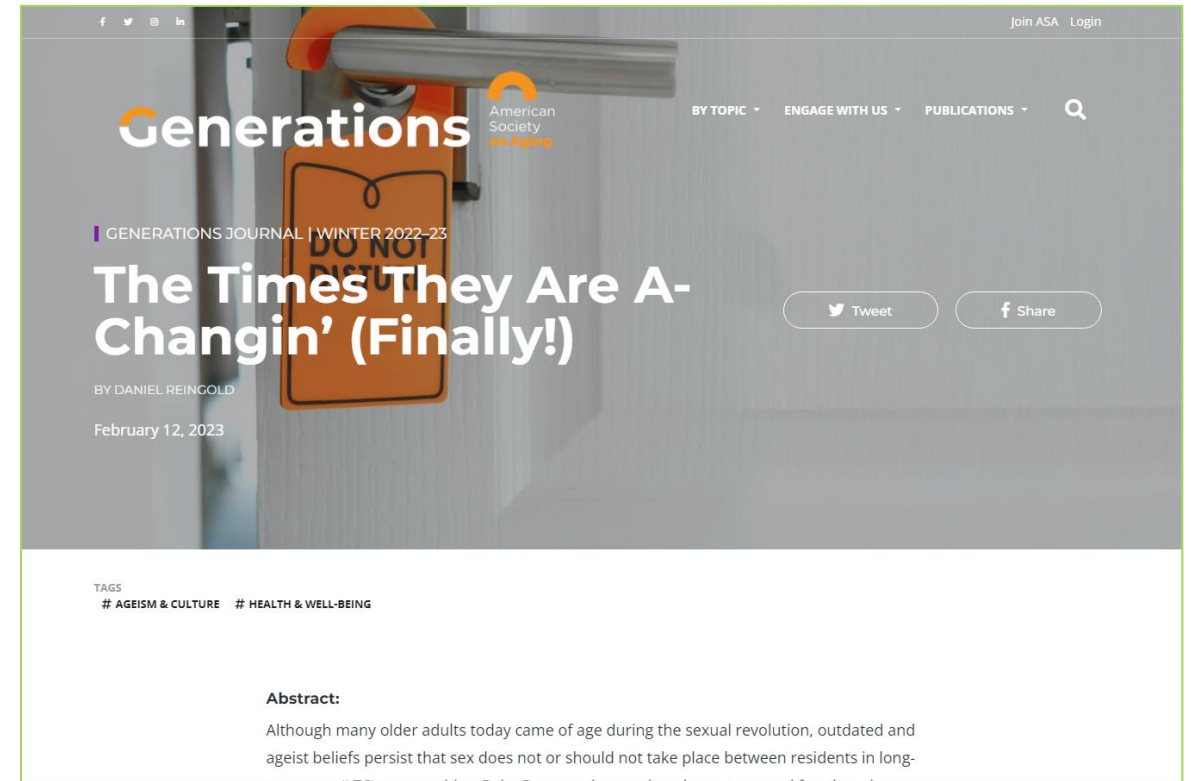
<sup>1</sup> See National Ombudsman Reporting System, Nursing Facility Complaints by Category and Sub-Category (2016) at <http://ltcombudsman.org/uploads/files/support/2016-B-2-NF-Comp-Full.xlsx>.

<sup>2</sup> See Nursing Home Data Compendium 2015 Edition, Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services at [https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Downloads/nursinghomedatacompendium\\_508-2015.pdf](https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Downloads/nursinghomedatacompendium_508-2015.pdf).

<sup>3</sup> See The Medico-Legal Aspects of Dementia-Driven Resident-to-Resident Sexual Abuse in Nursing Homes, Lisa Tripp, 2011 Consumer Voice Annual Conference at [http://theconsumervoice.org/uploads/files/events/wed-2pm-lisa-tripp-dementia-driven-sexual-abuse\\_\(1\).pdf](http://theconsumervoice.org/uploads/files/events/wed-2pm-lisa-tripp-dementia-driven-sexual-abuse_(1).pdf).

# ASA Blogs

- ▶ Daniel Reingold of RiverSpring Living writes an important piece on the still-nascent but evolving sexual expression policies in long-term care in *The Times They Are A-Changin' (Finally!)*.
- ▶ <https://generations.asaging.org/times-they-are-changin-finally>
- ▶ Boston-based researchers Nathalie Huitema and Maggie Syme present *The Sexual Consent Potential Model* based upon an empowering view of sexual consent for people with dementia.
- ▶ <https://generations.asaging.org/sexual-consent-potential-model>







# Dialogue: Your Experiences

Let's share your background on this topic and questions you have for your peers.

► What are some common concerns or myths you've heard about sexual expression and intimacy in long-term care facilities?

*For example: Residents are not interested in sexual expression. If a resident has dementia, they cannot consent to engage in a romantic relationship.*

Has it been brought to your attention that a resident wanted to engage in sexual intimacy?

Did the resident ask for your help facilitating a sexual encounter, such as securing a private room or obtaining materials with sexually explicit content: books, magazines, film, etc.?

What is the facility's role in upholding and facilitating resident sexual expression? Including providing sensitive staff training to ensure the resident's right to privacy, safe and healthy sexual expression, and protecting residents from sexual harassment and abuse?

Share something good that a facility has done to support residents' sexual expression.

How do you support a resident's right to sexual expression when the resident has a roommate, or their partner does not live in the facility?

What is the Ombudsman program's role?

Do you think residents feel comfortable talking to staff about these issues?

If not, what are some ways you think staff can make them feel more comfortable?

Share an example of an effective policy or protocol you've seen a facility implement for determining if someone who has a cognitive impairment is able to consent to sexual intimacy?

How is sexual consent capacity determined?

What should facility policies address regarding sexual consent?

► What is the role of family and others?

Have you encountered a situation where staff members notified a family member of a resident's sexual activity. If so, why?

When should a resident's physician be notified of sexual activity?



Have you encountered a situation in which a resident engages in consensual sexual activity with someone other than their spouse?

Should staff intervene? What role do you play in those conversations?

Do you have any other suggestions for facilities, staff, or Ombudsmen that would improve the way a resident's right to sexual expression is upheld?

# Join NORC's Email List

Join NORC's email list to receive the quarterly ***Ombudsman Outlook***, **training opportunities**, and **resources**.

Visit [ltcombudsman.org/sign-up](https://ltcombudsman.org/sign-up).



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# Connect with us!

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 [ltcombudsman.org](https://ltcombudsman.org)

 [ombudcenter@theconsumervoice.org](mailto:ombudcenter@theconsumervoice.org)

 The National LTC Ombudsman Resource Center

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