



Let's Talk About Sex – in Residential Health Care Facilities

Cona Elder Law PLLC

Just because individuals get older or suffer from cognitive impairment doesn't mean they lose the desire to engage in sex, whether that is with a longtime spouse or partner or with someone they develop feelings for in their new home at a residential health care facility.

While facilities strive to support residents in leading full and enjoyable lives, the issue of sexual enjoyment is often ignored. Research shows that recognizing the importance of sex in residents' lives and supporting the ability to engage in safe consensual sex, allows facilities to more meaningfully address the needs of their residents and provide the privacy and physical connection that can enhance overall quality of life. At the same time, facilities must ensure the safety of their residents, requiring a delicate approach which both respects the physical autonomy and privacy of residents and mitigates the risks for those particularly vulnerable to harm, such as those who are incapacitated and legally unable to consent to sex. Facilities must also take special care to protect residents from harm from other residents, especially from those with a history of sexual offenses (such as registered sex offenders), and should adopt uniform admission procedures concerning individuals registered with the New York Sex Offender Registry who seek admission to the facility.

At the **Leading Age New York Conference on May 20, 2021**, Cona Elder Law is presenting an in-depth panel discussion from **3:00-4:00 PM** of the realities of sexual activity in residential health care facilities and the balance facilities must maintain between preserving the rights to privacy and respect for the sexual fulfillment of residents. The presentation will also cover tips for navigating liability and regulatory compliance concerning the protection of residents from sexual harm. We hope you will join us for this thought-provoking virtual presentation which will include a live "Question & Answer" feature where attendees can interact with the presenters and ask questions.

The experienced attorneys at Cona Elder Law can assist you in addressing issues concerning sexual activities within residential health care facilities and developing comprehensive policies to address these issues. Call us for your free **virtual** "Best Practices" webinar for Leading Age members. Contact Christina Pecoraro at 631.390.5000 or cpecoraro@conalaw.com to schedule one today.

Cona Elder Law PLLC is an award-winning Elder Law and Health Care Law firm. In practice for over two decades, Cona Elder Law offers unsurpassed expertise in Health Care Facility Reimbursement and Recovery, Elder Law, litigation and collections. Health care facilities turn to Cona Elder Law for innovative strategies and cutting-edge solutions regarding complex Medicaid eligibility matters, Guardianship proceedings, PRUCOL matters, collections, litigation, and other matters related to resident financial accounts and the facility's bottom line. Representing over 200 skilled nursing facilities, CCRCs and assisted living facilities throughout New York and New Jersey, Cona Elder Law is a preeminent law firm in this practice area. The firm has been ranked the #1 Elder Law Firm by *Long Island Business News* for eight consecutive years and received the Business Achievement Award from the Hauppauge Industrial Association (HIA-LI). For additional information, visit www.conaelderlaw.com.

Dana Walsh Sivak, Senior Associate, Healthcare Facilities Reimbursement & Recovery, Cona Elder Law PLLC, dsivak@conalaw.com