

## Long-Term Care Survey Alert

### What Do You Think? Is Forbidding Unmarried Sex Or Mandatory STD Screening Verboten In Nursing Homes?

Here are the answers to last month's questions on resident sexuality and mandatory STD screening.

**Question:** Under existing nursing home regulations, can a faith-based or other nursing facility implement an across-the-board policy forbidding sexual relations outside marriage or sex between people of the same gender?

**Answer:** Attorney **Joseph Bianculli** says he doesn't see how a facility could impose such a policy under residents' rights and self-determination--"unless maybe the resident consented to some kind of disclosure or facility policies in advance." But even then, Bianculli doesn't see how the facility could enforce the policy. For example, "how would the facility enforce [the policy] without violating residents' privacy rights?" asks Bianculli, who is in private practice in Arlington, VA.

Nurse attorney **Janet Feldkamp** agrees that nursing homes are governed by federal regulations that ensure residents' rights. She thus suggests that an organization consult legal counsel before implementing a policy forbidding sexual relations between unmarried people or between same-sex partners in all cases.

**Question:** Can a facility impose mandatory screening for sexually transmitted diseases for all admissions?

**Answer:** A facility really can't have a policy requiring screening of all residents for STDs since residents have the right to refusing medical treatment and other interventions, says Feldkamp, who is in private practice in Columbus, OH.