

### Culture Change in Residential Care and Assisted Living

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### Culture Change in Long-Term Care



Culture Change is the transformation from institutions, where care is provided according to the dictates of the caregiver and the facility schedule, to homes, where individuals receive assistance to live as they choose.

Sam Plaster

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### United States Constitution Amendment V

No person shall be... deprived of life, liberty,  
or property, without due process of law...;

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19 CSR 30-88.010 (20) Each resident shall be encouraged and assisted, throughout his or her period of stay, to exercise his or her rights as a resident and as a citizen...

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19 CSR 30-88.010 (29) Each resident shall be treated with consideration, respect, and full recognition of his or her dignity and individuality...

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19 CSR 30-88.010 (41) Residents shall not have their personal lives regulated or controlled beyond **reasonable** adherence to meal schedules and other written policies which may be **necessary** for the orderly management of the facility and the personal safety of the residents.

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### Guardian

There is nothing in guardianship laws that alleviate the home from compliance with LTC regulatory requirements. If you cannot meet the individual's needs within the confines of the regulatory requirements, then he/she is inappropriately placed.

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### Duties of Guardian

Assure that the ward resides in the best and least restrictive setting reasonably available.  
475.120RSMo

There shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent the ward from injuring himself or herself and others and to provide the ward with such care, habilitation and treatment as are appropriate for the ward considering his or her physical and mental condition and financial means.  
475.010RSMO

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### Sexual Conduct

"Relying upon surrogate consent for sexual conduct has no support in the law."

"The law is clear that even where a guardian has been appointed, there is a zone of personal decision-making that is reserved to the individual and is not within the scope of the guardian's authority."

"These are decisions of the most profoundly personal nature and, as noted, are protected by a zone of privacy from being exercised by anyone else, least of all by government agents."

"The guardian must recognize that sexual expression occurs on a continuum, and that every client's situation is unique and requires an individualized approach."

You're Asking Me What? New Issues Relating to Culture and Lifestyle Changes, American Health Lawyer's Long Term Care & The Law 2012, Phoenix, AZ, Barb Miltenberger

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### Guardian

Will the decision likely result in serious physical injury, illness, or disease to the individual or injury to others?

If the answer to this question is no, then it is within the individual's right to make the decision.

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### Example #1

Resident Hayes said that even though no residents had the flu, the Manager implemented a policy that only the residents' spouses and children could visit for two months during the flu season. Her sister is her only visitor. She cried and pleaded with the manager to let her sister visit but she would not make an exception.

The Manager said she implemented a policy that only the residents' spouses and children could visit during the flu season. The residents did not agree with the policy but she talked to the residents' family members and they agreed.

19 CSR 30-88.010 Resident Rights

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### Example #2

Several residents complained that if they weren't at breakfast by 6:00 they couldn't eat.

Resident Wilson said she was restricted from going on an outing with her mental health group and case manager because she missed a meal.

The Manager said breakfast is from 4:45 to 6:00. If a resident is caught breaking house rules, they lose outings with their case manager or the local mental health agency program.

19 CSR 30-88.010 Resident Rights

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### Example #3

Home rules include that residents must be in bed by 9:00 p.m. and awake and dressed by 6:00 a.m.

Resident Polk said, "the owner makes all the rules and I follow them."

Resident Hoover said you have to stay in your room after 9pm. She would not dare break the rules because she wants peace at her age.

Resident Pierce said if a resident breaks the rules the manager takes away his/her cigarettes.

19 CSR 30-88.010 Resident Rights

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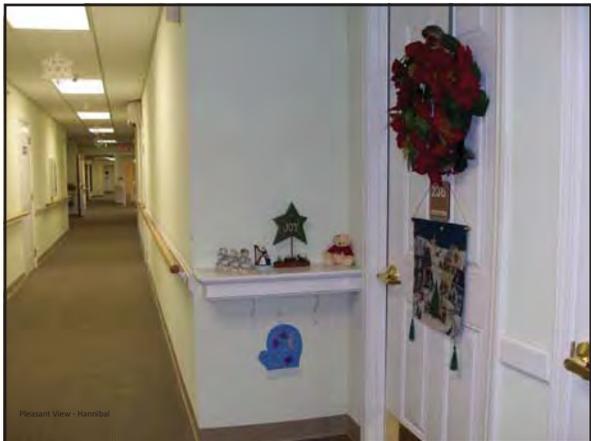
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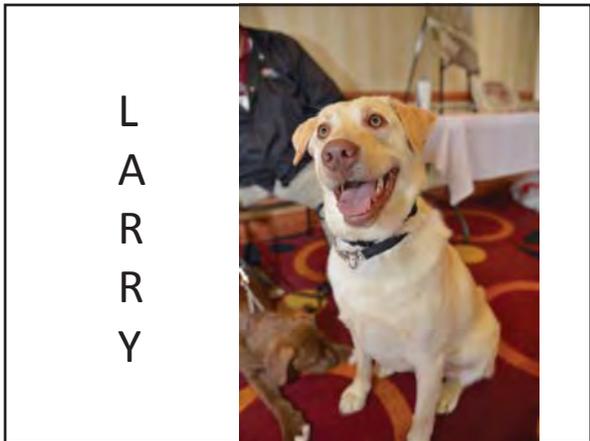
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Music & Memory  
<http://musicandmemory.org>




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Pioneer Network  
 National Culture Change Coalition

Vision:  
 A Culture of Aging that is Life-Affirming,  
 Satisfying, Humane and Meaningful

<http://www.pioneernetwork.net/>

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State Culture Change Coalition

Mission:  
 To promote and support ongoing collaboration within  
 the adult care continuum to create environments  
 where the dignity and value of each individual who  
 lives or works there is respected and celebrated.

[www.momc5.com](http://www.momc5.com)

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Artifacts of Culture Change  
for  
Assisted Living and Residential Care



[www.momc5.com](http://www.momc5.com)

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**SLCR Blog**



[https://health.mo.gov/ltc/blog/?page\\_id=417](https://health.mo.gov/ltc/blog/?page_id=417)

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**SLCR Weekly Update**



<http://health.mo.gov/seniors/seniorservices/>

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Questions?

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<http://www.youtube.com/watch?v=0UNLwan8K-A>

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