



## A Note from the State Long-Term Care Ombudsman:

Here in Iowa, where 21.6 percent of the population is 60 or older, we understand that older adults are a vital part of our society. To honor this special group of people, communities and long-term care facilities across the state show their gratitude each year by celebrating Older Americans Month in May. The theme of this year's celebration – "Get into the Act" – focuses on how older adults are taking charge of their health, getting engaged in their communities and making a positive impact in the lives of others.



The theme also reflects on the 50th anniversary of the Older Americans Act (OAA), which was signed into law by President Lyndon B. Johnson in 1965. Since that time, the OAA has provided a nationwide aging services network and funding that helps older adults live with dignity in the community of their choice for as long as possible. These services include community-based assistance, caregiver assistance, preventive health services, legal assistance, elder abuse prevention and much more.

By promoting and engaging in activity, wellness, and inclusivity, more Americans than ever before can "Get into the Act." While the Office of the State Long-Term Care Ombudsman works year-round to protect the health, safety, welfare and rights of individuals living in long-term care, Older Americans Month offers communities, facilities and advocates an opportunity to highlight the value older adults bring to Iowa and emphasize the importance of treating them with dignity and respect.

Deanna Clingan-Fischer, JD

## Sexuality and Aging: Debunking the Myths

Due to recent headlines from Iowa and throughout the country, aging and sexuality has become a frequent topic of discussion. Specifically, questions have been raised about if and how older adults experience sexual desire; how dementia and other age-related health issues impact an individual's ability to express desire for and consent to sexual acts; and whether older adults forfeit their right to intimacy once they move into a long-term care facility.



Because sexuality is a basic human need and the choice to participate in sexual acts is one that belongs to the individual, the Office of the State Long-Term Care Ombudsman (OSLTCO) is working to help debunk some of the myths that surround sexuality and aging. While every individual's situation and capacity to consent varies, the following facts may help guide meaningful dialogue about older adults and sexuality.

**MYTH:** Sex is for the young and attractive.

**FACT:** Only in the media! Sex does not belong solely to the youthful and beautiful. People don't "age out" of being sexual. It is inherent throughout the aging process and even associated with good health! Sexual expression fulfills a natural desire and can connect people, provide opportunities for affection and passion and build or enhance relationships.

**MYTH:** Older adults are unable to have sex because their bodies are too old or sick.

**FACT:** Some changes within the aging body can alter or complicate sexual expression and declines in sexual functioning may occur, but desire and interest remain. The use of medications to treat sexual dysfunction in both men and women has made it possible for people to remain sexually active late into life. One study revealed 61 percent of people over 60 said their sex life today was the same or better than in their 40s, and 26 percent of those over 75 remain sexually active.

**MYTH:** Residents of nursing facilities can't have sex.

**FACT:** Relocation to a nursing facility doesn't result in the end of a sex life. Residents are guaranteed certain rights under the federal 1987 Nursing Home Reform Law, including the rights to privacy, confidentiality, respect and expression. Facilities must promote these rights in a manner that enhances residents' quality of life and ensures dignity, choice and self-determination, while affording them privacy and opportunity to engage in safe and consensual sexual expression.

**MYTH:** Nursing facility residents with dementia or Alzheimer's shouldn't have sex.

**FACT:** Residents with cognitive impairments, such as dementia and Alzheimer's, have the same rights as other nursing facility residents. When a cognitively impaired resident indicates the desire to be sexually expressive, it becomes necessary for the resident's interdisciplinary care team to assess the level of capacity to determine the benefits or potential harm associated with the expression. Each sexually related occurrence is unique and should be looked at individually.

For more information or to request staff training around aging and sexuality, please contact the Office of the State Long-Term Care Ombudsman.

---

## HIPAA: Do Long-Term Care Ombudsmen have access to residents' records and other health-related information?

Although we are approaching the 20th anniversary of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its Privacy Rule, which protects the privacy of individually identifiable health information, the Office of the State Long-Term Care Ombudsman (OSLTCO) continues to receive questions about whether the law impacts the ability



of representatives of the Long-Term Care Ombudsman Program to access the records and other health-related information of residents of long-term care facilities.

As a reminder, under the Privacy Rule, the OSLTCO is considered a "health oversight agency." Therefore, the Privacy Rule does not preclude the release of residents' clinical records or other identifiable health information to representatives of the OSLTCO, with or without authorization of the resident or the resident's legal representative. In addition to HIPAA, other laws - including the Older Americans Act (OAA) and the Nursing Home Reform Act - provide Long-Term Care Ombudsmen with access to residents' records. The following guidelines apply:

- If a representative of the OSLTCO has the permission of the resident or the resident's legal representative, a facility is required under the federal conditions of participation for Medicare or Medicaid, to provide the OSLTCO with access to the residents' clinical records, consistent with state law.
- Nursing facilities and other covered entities under the Privacy Rule are permitted to release residents' records to health oversight agencies - including the OSLTCO - without the authorization of the resident or the resident's legal representative, subject to the Privacy Rule's minimum necessary requirements.
- Because the OSLTCO is a health oversight agency, nursing facilities and other covered entities may, in response to appropriate ombudsman inquiries, share other information without fear of violating the Privacy Rule. The OAA requires state agencies on aging to ensure that a representative of the OSLTCO has appropriate access to review residents' medical and social records if the representative has the permission of the resident or the resident's legal representative; if the resident is unable to give consent and has no legal representative; or if access is necessary to investigate a complaint, the resident's legal guardian refuses permission and the representative of the OSLTCO has reasonable cause to believe the guardian is not acting in the best interests of the resident.
- If, as required by the OAA, a state has ensured the OSLTCO access to residents' clinical records and other health-related information through a state law, regulation or policy binding on long-term care facilities, the facility must permit the OSLTCO access to residents' records and other information in accordance with state requirements. The Privacy Rule does not affect that requirement.

For more information, please contact the Office of the State Long-Term Care Ombudsman.

---

## Upcoming Events & Learning Opportunities

- Social workers from across the state are invited to join the newly re-established Office of Substitute Decision Maker for a one-day training event to learn more about the scope and function of the Office of Substitute Decision Maker and discuss ethical issues related to guardianship, conservatorship and powers of attorney.



"Social Worker Ethics & Substitute Decision-Making in Iowa" is scheduled to take place on Tuesday, June 2, from 8 a.m. - 4 p.m. at the FFA Enrichment Center in Ankeny. The cost is \$20 per person and includes a buffet lunch. 6.0 CEUs, including 3 hours on professional ethics, are available. The event is sponsored by the Office of Substitute Decision Maker, the University of Iowa School of Social Work and the National Association of Social Workers, Iowa Chapter.

> [Register for the event](#)

- Wartburg College's Slife Institute for Social Work, Consultation, Research and Training is teaming up with the Iowa Department on Aging to present "Professional Practice with Older

Adults: Mental Health, Dementia & Ethics" on Tuesday, June 9, from 8:30 a.m. - 4 p.m. at the Saemann Student Center at Wartburg College.

The workshop will feature two half-day sessions designed to aid participants in their direct-practice work with older adults experiencing mental illness and dementia. The cost is \$60 per person and includes admission to both sessions, materials, CEU documentation, lunch and refreshments. 6.5 CEUs, including 3 hours on professional ethics, are available.

Pre-registration is required and must be received by June 2.

> [\*Register for the event\*](#)

- The OSLTCO recently added a page to its website listing several new learning opportunities relating to the advocacy and support of Iowa's long-term care residents. Resources include videos, brochures and presentations about a variety of topics that are beneficial to residents, their families and the staff of Iowa's long-term care facilities.

> [\*Visit the website\*](#)

---

## Welcome New Volunteer Ombudsmen

Please join us in welcoming the following new members of the Volunteer Ombudsman Program:

- David Arthur, The Rehabilitation Center of Des Moines (Des Moines)
- Beverly Boveia, Manorcare Health Services (Waterloo)
- Mary Bustad, Rowley Masonic Home (Perry)
- Rand Christiansen, Bethany Lutheran (Council Bluffs)
- Carolyn Frahm, Pleasant Manor Care Center (Mount Pleasant)
- Mary Kathryn Hart, Great River Klein Center (Burlington)
- Michael Paul Heart, Iowa Veterans Home (Marshalltown)
- Jo Ann Hunt, Midlands Living Center (Council Bluffs)
- Diane Kleckner, Exira Care Center (Exira)
- Lindsey Korf, Danville Care Center (Danville)
- Jane Magnuson, Ramsey Village (Des Moines)
- Nancy Nichols, Arbor Springs (West Des Moines)
- Thomas Schulte, Little Flower Haven (Earling)
- Linda Turnure, Heritage Care and Rehab Center (Mason City)

For more information about the program, visit <https://www.iowaaging.gov/VOP>.

The mission of the Office of the State Long-Term Care Ombudsman is to protect the health, safety, welfare and rights of individuals residing in long-term care by investigating complaints, seeking resolutions to problems and providing advocacy, with the goal of enhancing quality of life and care.