

Geriatric Sex: Privacy vs. Abuse.

An African-American nursing-home nurse sued his former employer for racial discrimination after he was fired.

The nursing home claimed there was a non-discriminatory reason for firing him, that is, he failed to report and thus permitted one resident to abuse another resident sexually.

Residents' Right To Privacy

The US District Court for the Middle District of North Carolina acknowledged that consenting adults who happen to live in nursing homes have the same privacy rights as everyone else to have consensual sex.

Residents' Right to Be Free From Abuse

However, a sexual relationship, even just kissing, that happens in a nursing home involving a partner who is not mentally competent is not consensual. In fact, it is sexual abuse.

Nursing home staff must report abuse to their supervisors who must investigate and deal with sexual abuse of one resident by another resident. **Brewington v. Sunbridge Regency, 2007 WL 4522619 (M.D.N.C., December 18, 2007).**