

# CPR Policies in Independent Senior Living and Assisted Living: Would the Glenwood Gardens "No-CPR Policy" Be Permissible in Wisconsin Today?

In July 2014, Reinhart published a [client alert](#) explaining that nursing homes were no longer permitted to have facility-wide policies indicating that staff will not administer cardiopulmonary resuscitation ("CPR") in the event of a cardiac or respiratory incident (No-CPR policies). Since then, many clients have asked whether the rule is different in the context of independent senior living and assisted living. This client alert will shed light on whether such communities may adopt and enforce facility-wide No-CPR policies.

## Background

In 2013, nurses and other caregivers at Glenwood Gardens (Glenwood), an independent senior living facility in Bakersfield, California, refused to perform CPR on an elderly tenant who was experiencing respiratory distress, even after a 911 dispatcher recommended that a nurse employee of Glenwood do so. Glenwood's policy required that nurses wait for emergency responders to initiate CPR. The resident ultimately died.<sup>1</sup>

Later in 2013, the Centers for Medicare and Medicaid Services issued Memorandum 14-01-NH (the Memorandum). The Memorandum makes clear that No-CPR policies in nursing homes are not permitted. Of critical importance, the Memorandum only applies to nursing homes.

## Short Answer

No-CPR policies, such as that in the Glenwood case, would be permissible in Wisconsin independent senior living and assisted living communities. Though the State of Wisconsin has not expressly approved No-CPR policies in such facilities, our discussions with Wisconsin Department of Health Services regulators indicate that No-CPR would be acceptable because independent senior living and assisted living communities often do not provide the same level of care as is provided in nursing homes. In the interest of full disclosure, independent senior living and assisted living communities should inform residents of No-CPR policies in writing at the time of admission.

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## Independent Senior Living Communities

Just as a tenant living in a traditional apartment setting generally would not expect the landlord to initiate CPR, tenants at independent senior living communities should not expect staff members to initiate CPR unless the independent senior living community agrees to do so in writing. Accordingly, independent senior living communities may implement community-wide No-CPR policies. As a matter of course, we encourage independent senior living communities to notify tenants in writing prior to or at the start of their tenancy as to whether CPR will be initiated in the event of a cardiac or respiratory incident. Such policies should be clearly spelled out in the lease and verbally communicated to the resident and family.

## Assisted Living Communities

Assisted living communities are permitted to implement facility-wide No-CPR policies. Each assisted living facility is required to enter into an admissions or service agreement with each prospective resident or tenant. Assisted living facilities are not required to outline the CPR policy in the admission agreement; however, we recommend that each facility fully inform residents, their legal representatives and family members regarding its approach to CPR at the time of admission. The Program Statement is another vehicle to inform residents and potential residents of its CPR policy.

Assisted living facilities that agree to perform CPR must ensure that staff members are trained, regularly retrained and certified in the performance of CPR, and that at least one CPR-certified staff member is present in the facility at all times. Any such facility must also have an effective system for distinguishing between residents who do not want resuscitation and those who do. Facilities use a variety of methods including color-coded bracelets, color-coded dots, or notations in medical charts to indicate whether a resident desires resuscitation in the event of a cardiac or respiratory incident.

If you have any questions about the subject of this client alert, or if you would like help developing a CPR policy for your facility, please contact [Rob Heath](#) or another member of Reinhart's [Post-Acute Care and Long Term Services team](#).

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<sup>1</sup> See "[Staff at Senior Living Home Refuses to Perform CPR on Dying Woman](#)," CBS Los Angeles (Mar. 1, 2013); Howard Gleckman, "[The CPR Death at Glenwood](#)



[Gardens: What Really Happened and Five Lessons You Should Learn,"](#) Forbes  
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