

ASSISTED LIVING OPERATING PROCESS NEGOTIATED TENANT RISK AGREEMENT

A Negotiated Risk Agreement is a care planning process which the Tenant, the Assisted Living Provider, and, as needed, the FH AL Clinician, agree to a level of choice and risk regarding a specific area of the Tenant's life. Negotiated Risk Agreements are an operational concept, *not* a legal agreement which absolves an Assisted Living Provider of all responsibility. A Negotiated Risk Agreement does, however, provide a way to determine and document how to deal with unusual situations which pose a predictable risk.

The goals of Negotiated Risk Agreements are to:

- Support the Tenant to exercise choice to the greatest degree that is reasonably possible.
- Assess the potential harm and ensure that the Tenant is fully aware of the potential consequences of a specific choice and wishes to make a decision to assume the degree of risk which affects the quality of his or her life.
- To identify potential alternatives that may support quality of life with less risk.
- To seek consensus about the decision.
- To document the decision and establish a regular review of the impact of the decision.

Negotiated Risk Agreements are never to be used as broad waivers of over-all responsibility by Assisted Living Providers. Risk Agreements can never be negotiated if they place other Tenants or staff at risk. Negotiated Risk Agreements are only to be used for a single specific issue of choice by a Tenant who is capable and competent to make decisions and is able to understand the potential consequences of his/her decisions.

Negotiated Risk Agreements should include documentation of:

- The cause for concern.
- Specific probable consequences of the Tenant's choice.
- Specific detailed explanation of the Tenant's choice.
- Documentation of other options discussed.
- Documentation of what is being agreed upon.
- Documentation of who will do a follow-up assessment and the frequency of the assessments.

SAMPLE: Negotiated Tenant Risk Agreement

Futureview Assisted Living

Date: November 15, 2019

The Concern: Mrs. Suzie Smith has been advised by her attending physician, Dr. J. Bell that she should maintain a 1200 calorie diabetic diet. Mrs. Brown has insulin dependent diabetes and has had many problems over the past 10 years with the effects of uncontrolled diabetes.

Potential Consequences: “My doctor has told me that one of these days I could go into a coma and just not wake up. I know the sore on my leg is because I eat too much, and it just doesn’t ever quite get better. I am 82 and I have always been a bit “jolly” - I know I could be shortening my life - but I want to live my life content and happy.” Quote Mrs. Brown. I have discussed potential consequences of unstable diabetes, including problems with vision, infections, and heart problems. Mrs. Brown understands these potential consequences well.

Sheila White, LPN Team Leader.

Detailed explanation of Tenant’s choice: Client has been a diabetic for over 30 years and has always had difficulty with diet; she feels that she would much prefer to live with the potential health consequences than to spend each day not being able to enjoy her meals. Food has always been an important part of her life.

Other options: Mrs. Brown would like to go over menu with dietician from health authority to make sure she understands the menu.

Agreement:

Mrs. Brown will choose all her own food.

The staff will administer insulin daily.

The staff will do blood glucose checks and inform Mrs. Brown of the results so she is able to make dietary choices.

The staff will assist Mrs. Brown to weigh herself every two weeks.

Signed: Susan Brown **Signed:** Shelia White, LPN Team Leader **Witness:** Mary Jones, RN AL Clinician

Date of review: February 27, 2010

Futureview Assisted Living recognizes and respects the rights of Futureview Tenants to make personal choices that affect the quality of life, even when these decisions may pose a risk to the individual’s health and/or safety. The purpose of this Risk Agreement is to provide an opportunity to discuss your wishes and determine an agreed method to accommodate your needs.