

SPECIAL ISSUE

# brief



## Visitor Management and Security in Senior Living

**AMERICAN  
SENIORS  
HOUSING  
ASSOCIATION**

Living Longer Better



HansonBridgett



**ALLIANCE**  
RESIDENTIAL COMPANY



**Accushield**  
PREDICT. PREVENT. PROTECT.

WillisTowersWatson 

P  
E  
N  
D  
U  
L  
C  
M

.....





# Visitor Management and Security in Senior Living

Throughout the course of a typical day at a senior living community, the ability to manage and monitor the sheer number of visitors, third-party care providers, vendors and other assorted individuals who have access to residents has tremendous safety and liability ramifications.

Maintaining an open, welcoming ambiance must be balanced with precautions that promote security and control.

Panelists with extensive backgrounds in senior living security and visitor management reviewed processes to improve safety, explained how legal and operational considerations intersect, and outlined recommendations for controlling access to buildings and properties during a discussion at the Fall Executive Board Meeting of the American Seniors Housing Association.

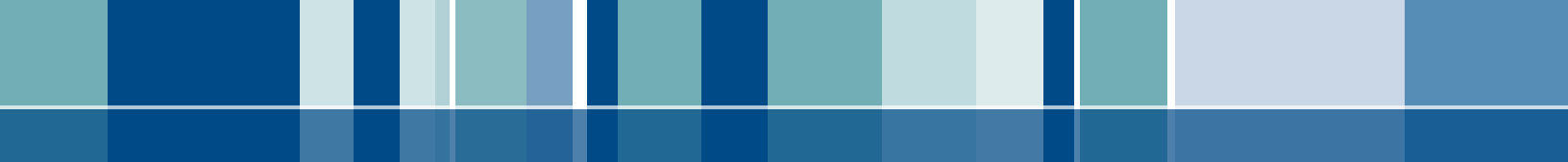
Participants were JoAnne Carlin, Willis Towers Watson; Paul Gordon, Hanson Bridgett; Ric Henry, Pendulum, LLC; and Marco Vakili, Alliance Residential Company. Lever Stewart, Accushield, served as moderator.

## ACCESS AND OVERSIGHT

---

Stewart led off by citing the findings of a 2019 report from the Office of the Inspector General and Health and Human Services. It found there has been a dramatic increase in the number of physical assaults and thefts of personal possessions and drugs in senior living communities.

He also noted that statistics show an average of 65 third-party caregivers intermittently visit the typical 100-unit senior living community. And he referred to a 2008 study that concluded 55 percent of home care agencies serving senior living residents do not enforce sex offender screening.



---

“Private duty home care is the fastest-growing franchise business in the country. It has one of the highest turnover rates of any industry sector,” Stewart pointed out, “and it is also one of the fastest-growing areas for independent contractors, or self-employed private duty providers.”

---

“How do you know these people have been effectively screened? The status of the law, in terms of state practice, is very inconsistent. When will regulatory authorities place a burden or obligation on the senior living community to verify the credentials of third-party caregivers, even though the community never hired them?”

---

“The concept of credentialing and making sure third-party vendors that work in your community have been screened to some degree is valuable, because at the end of the day, how often when something goes wrong does the finger first get pointed at your own staff? It happens a lot. This is a way to protect your own staff and build trust within your community,” he asserted.

---

Residents and their families often hire self-employed caregivers to avoid the higher costs of working through agencies, which raises questions about their qualifications and criminal backgrounds. “What steps should you be taking to provide a safe and secure environment in response to a risk that has been reasonably identified?” Stewart asked. “There’s this constant balance between what liability a senior living community may have versus resident rights.”

---

“The right of the resident to hire who they want needs to be balanced with the community right and duty to provide a safe and secure environment. Many senior living community operators specify in the resident agreements and contracts they provide that if the resident or family choose to hire third-party help, that third-party needs to be properly screened and background checked,” he added.

---


Monitoring and tracking visitors in the past were often relegated to signing log-in books at the front desk. But with advances in new technology, there are now far more options for managing visitor oversight.

---

“The reality is you never knew if somebody actually signed in,” Stewart commented. “Now with this new technology, you’re able to store visitor information, sort it and pull it up on demand. And you also want to be able to track whether your residents are on site.”

---

“With some systems, a photo is taken of the person when they sign in, and then they can wear a printed badge while they’re there for the day. The community can say if you’re an employee, you’re wearing a name badge. If you’re a resident, we know our residents. Everybody else wandering around should be wearing what amounts to a visitor badge.”



“You can have features like alerts, where if there is a black sheep in the family that a guardian or family doesn’t want on the premises, you can now through digital visitor management receive a text alert. Staff can say I want to be text-alerted if this individual signs in.

“All of this gives you more power, as well as better care management,” he noted, “because now you’re able to sit with the family and say we’ve seen more issues with your mom in the evening, and we’ve noticed that her care stops at five or six o’clock. Have you thought about expanding the care?”

## A LEGAL PERSPECTIVE

---

Looking at security and visitor management from a legal perspective, Gordon zeroed in on operations and documentation.

“When people think of legal steps,” he explained, “they may say we ought to create a release of liability form, or an indemnity form that we can give to everybody that exonerates us from any liability for anything bad that may happen.

“Rather than trying to get people to exonerate you from something that hasn’t happened yet, it’s better to have what I call disclosure and disclaimer. What does that mean? These are two lawyer’s words for telling people what you do and telling people what you don’t do,” Gordon said.

For example, a community may document that it employs cameras, but they are in use only in public areas, and the video is kept on record for a specified period of time. Or while the front desk is open from nine to five daily, 24-hour security personnel are not available.

“This information can be included in your resident handbooks and referenced in your contracts,” he pointed out. “You can say in your contracts what you don’t do with respect to monitoring and so forth and what you do. Also, in the event of an incident, every piece of paper that you have, in addition to depositions of all your staff, will be examined. And that includes all your policies and procedures, in addition to your contracts.”

Policies and procedures for third-party private duty aides should reference criminal background check and insurance requirements. In addition, Gordon said an explanation of an aide’s responsibilities should be provided to the community.

“Are they allowed to use the resident’s checkbook? Are they allowed to use the resident’s automobile? That private aide is not your employee, so language should be clear that you’re not supervising them, and they’re not necessarily reporting to you,” he advised.

Monitoring third-party private duty aides in independent living can be difficult, because “residents don’t want you to put any restrictions on who’s allowed to visit them, or who can provide care,” he observed.

“They want to see their longtime friend from the want ads, and who knows what their criminal background might be, or what their capabilities might be. It’s a very challenging problem, but that doesn’t mean that you shouldn’t try to get on top of it,” he said.

In addition to maintaining a strict stance on firearms, policies and procedures should include requirements for visiting guests. “I have clients who have had staff shot and killed by residents. If you have a firearms policy, how do you enforce it? Do you have a policy about how guests are admitted? Can any person check in at the front desk? How do you know the guest was invited by a resident?” Gordon added.

## A THREE-STAGE APPROACH

Carlin emphasized a three-stage approach for optimizing safety and security based on security vulnerability assessments, gap analysis and situational awareness.

The security vulnerability analysis asks what is the vision and philosophy for providing a safe, secure environment? How does this translate into a deliberate, intentional security plan and presence?

The gap analysis examines where problems and shortfalls could arise. “Where are some of the chinks in the armor?” she asked. “This is a process for each individual community. It could be different based on where your communities are located. Who do you have in place to help manage access, such as the front desk receptionist? Is the front door left open after that receptionist leaves for the day?

“What systems do you already have in place for security, and what type of training and education do you not only provide for staff, but also for residents? And what types of technology such as cameras do you have, and should you consider expanding your use of technology?

“Access control is security,” Carlin stressed. “Do you keep your front door locked when nobody’s there to man it? Do you have residents giving out their keys or their keycode to somebody, so they have an easier way to get in and out without checking in through the front door? Do you change your access codes if someone has been terminated, or according to a routine schedule?”

Rather than relying solely on the advice of a technology vendor, she recommends engaging a security consultant. “This helps you organize your process. Make sure it’s someone who has a broad-based background in safety and security, and isn’t just trying to sell you a product or a technology.”

Situational awareness is based on three primary components: Perception, comprehension and anticipation. This essentially refers to recognizing and responding to what is occurring in an environment or during a situation.

“If you see a visitor or someone that you don’t know walking around in your building, say, ‘Oh, excuse me, can you tell me who you are and who you’re here to see and visit?’” Carlin said.

She continued by noting that “we promote walk-arounds with a checklist to look for problems in the communities. This includes everything from torn up carpet to frayed electric plugs. Add security measures to your list, especially as it pertains to access control.

“When those walkthroughs are done, report those to the safety committee. Look for patterns and trends. If it’s always on a certain shift or in a certain area where you find access breaches, then something else has to be done to address that,” she added.

## SYSTEMATIC ASSESSMENT

---

Henry echoed Carlin’s comments regarding the importance of systematic processes that assess and control access. “Whether it’s through ad-hoc committees, quality committees or safety committees, start the discussion about controlling access. How are we going to know who’s in our buildings and if they’re authorized to be in our buildings?

“If we start this process, it may take a year to put something in place such as a digital system or a better login/logout system,” he continued. “But once those are in place, or at least are part of the discussion, then if we have an incident, we’ve got some level of defensibility.”

Henry went on to warn that because “the shortage of caregivers is acute, we’ve got to be diligent and can’t let our guard down. Make sure you have background checks, sex offender checks, proof of insurance from vendors, TB clearance, and exclusion and watch lists. Credentialing needs to be enforced.

“Cameras are all well and good, but we also need robust signage in the building to the effect that you should be wearing a badge. If you’re not wearing a badge, we’re going to investigate why not and who you are. We need to communicate not only to the residents, staff and visitors, but to the vendors who come and go about the need to comply with the rules,” he noted.

## TECHNOLOGY UPGRADES

Vakili pointed out that hotels, apartments and schools are continually evaluating and upgrading their safety and security systems with new technology. For a fresh perspective and a source of best practices, he recommended tracking their activities.

“The good news is technology in the security world has gotten stronger, more effective, more discreet and less expensive,” Vakili reported. “We can look to other industries and get cues for how we can be doing better. But even if we put up cameras and access controls, if we don’t have the training and don’t have the right people, it won’t reach its full potential.

“The new technology has video and sound, and is much, much better. We recently had an experience at one of our communities where not only did we have a camera, but we also had a speaker along with it,” he recalled. “Someone was on a back area of the community, and we could see them. We said through the speaker, ‘We see you. And we know that you’re here on the property, and you shouldn’t be here, please leave.’ The guy ran off.”



## ABOUT THE SPEAKERS

---

### JOANNE CARLIN, MSN, RN, NHA, CPHRM, CDAL

JoAnne is the Vice President, Clinical Risk Services for Willis Towers Watsons' Senior Living Center of Excellence. She provides thought leadership to clients and the senior living industry by creating education materials and resources to help with risk management. Her experience in the various aspects of senior living operations supports a practical approach to selecting and implementing risk management strategies that are sustainable, reduce loss and promote resident care. Most recently she has led the initiative to create tools and training for active shooter readiness in senior living and is working on other systems and tools that are designed to help their clients and the entire senior living industry.



### PAUL GORDON

Paul Gordon has worked with senior living developers, owners and operators for over 40 years. He is a partner at the San Francisco law firm of Hanson Bridgett, LLP and is General Counsel to ASHA.



HansonBridgett

### RIC HENRY

Ric is president, co-owner, and managing partner of Pendulum, LLC. Pendulum is a full service risk management company providing services and products to healthcare providers of all types through a unique third-party approach balancing risk and defensibility strategies.

Ric's vision and exemplary leadership have grown Pendulum into a company providing consultative services to a full spectrum of healthcare settings such as hospitals, post-acute settings, and allied health. Services include clinical risk, customer service, emergency preparedness, and HIPAA/HITECH assessments; cyber vulnerability testing; medical record procurement; social media searches; and more.

Ric has provided training on risk assessment and management, quality assurance, and liability issues nationally and overseas in an effort to promote Pendulum's mission of helping clients reduce professional liability exposure by balancing risk and defensibility.

P  
E  
N  
D  
U  
L  
U  
M

.....

---

### **LEVER STEWART**

Lever Stewart is a founding partner and COO of Accushield, a digital visitor management and credentialing system specifically designed for senior living communities. Mr. Stewart is a licensed attorney who also owns MLQ Attorney Services, a provider of legal support services nationwide including licensed private investigation and personal and corporate background checks. He is the former General Counsel of a Fortune 50 company, WestRock, and a former attorney with King & Spalding, one of the nation's leading corporate general practice firms. Mr. Stewart has spoken numerous times in the senior living industry on safety and security issues and the complexities of visitor management and background checks.



---

### **MARCO VAKILI**

Marco Vakili is a 30-year veteran of the rest estate development industry and has worked for the largest multifamily and homebuilding companies in the country. Marco entered into the senior living segment in 2010 and currently leads senior living development at Alliance Residential one of the country's largest multifamily developers and active participant in the senior living space. Alliance's senior living pipeline, all of which is financed with equity, is comprised of over 2,200 units of independent living, assisted living and memory care in five states and totals over \$1.2 billion in total capitalization.







**AMERICAN  
SENIORS  
HOUSING  
ASSOCIATION**

Living Longer Better

5225 Wisconsin Avenue, NW  
Suite 502  
Washington, DC 20015  
202-237-0900  
[www.seniorshousing.org](http://www.seniorshousing.org)



HansonBridgett

WillisTowersWatson 

P  
E  
N  
D  
U  
L  
C  
E  
N

.....