



# House of Representatives

General Assembly

**File No. 148**

January Session, 2025

Substitute House Bill No. 6913

*House of Representatives, March 19, 2025*

The Committee on Aging reported through REP. GARIBAY of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING LGBTQ+ DISCRIMINATION IN LONG-TERM CARE FACILITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:
- 2 (1) "Gender identity or expression" has the same meaning as
- 3 provided in section 1-1n of the general statutes;
- 4 (2) "Long-term care facility" or "facility" means a nursing home
- 5 facility, as defined in section 19a-490 of the general statutes, or a
- 6 managed residential community, as defined in section 19a-693 of the
- 7 general statutes, with assisted living services regulated by the
- 8 Department of Public Health;
- 9 (3) "Long-term care facility staff" or "facility staff" means all persons
- 10 employed by or contracted directly with a long-term care facility; and
- 11 (4) "Resident" means a resident or patient of a long-term care facility.

12 (b) (1) It shall be unlawful for a long-term care facility or long-term  
13 care facility staff to discriminate against any resident on the basis of such  
14 resident's actual or perceived sexual orientation, gender identity or  
15 expression or human immunodeficiency virus status, including, but not  
16 limited to, by:

17 (A) Denying admission to a long-term care facility, transferring or  
18 refusing to transfer a resident within a facility or to another facility or  
19 discharging or evicting a resident from a facility;

20 (B) Denying a request by residents to share a room;

21 (C) In a facility where rooms are assigned by gender, assigning,  
22 reassigning or refusing to assign a room to a transgender resident other  
23 than in accordance with the transgender resident's gender identity,  
24 unless at the transgender resident's request;

25 (D) Prohibiting a resident from using, or harassing a resident who  
26 seeks to use or does use, a restroom available to other persons of the  
27 same gender identity, regardless of whether the resident has taken or is  
28 taking hormones, has had transition-related surgery or is making a  
29 gender transition or appears to be gender-nonconforming. For the  
30 purposes of this subdivision, "harassing" includes, but is not limited to,  
31 requiring a resident to show identity documents in order to gain  
32 entrance to a restroom available to other persons of the same gender  
33 identity;

34 (E) Wilfully and repeatedly failing to use a resident's preferred name  
35 or pronouns, including when the resident is not physically present;

36 (F) Denying a resident the right to wear or be dressed in clothing,  
37 accessories or cosmetics that are permitted for any other resident;

38 (G) Restricting a resident's right to associate with other residents or  
39 visitors, including the right to consensual expression of intimacy or  
40 sexual relations, unless the restriction is uniformly applied to all  
41 residents in a nondiscriminatory manner; and

42 (H) Denying or restricting a resident from accessing appropriate  
43 medical or nonmedical care, or providing medical or nonmedical care  
44 that unreasonably demeans the resident's dignity or causes avoidable  
45 discomfort.

46 (2) The provisions of this subsection shall not apply to the extent that  
47 they are incompatible with any professionally reasonable clinical  
48 judgment regarding the care of a resident.

49 (c) Each long-term care facility shall post in a prominent place in such  
50 facility the following notice printed in at least fourteen-point boldface  
51 capital letters: "(NAME OF FACILITY) DOES NOT DISCRIMINATE  
52 AND DOES NOT PERMIT DISCRIMINATION, INCLUDING, BUT  
53 NOT LIMITED TO, BULLYING, ABUSE, HARASSMENT OR  
54 DIFFERENTIAL TREATMENT ON THE BASIS OF ACTUAL OR  
55 PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY OR  
56 EXPRESSION OR HIV STATUS. YOU MAY FILE A COMPLAINT  
57 WITH THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN  
58 (PROVIDE CONTACT INFORMATION) IF YOU BELIEVE THAT YOU  
59 HAVE EXPERIENCED THIS KIND OF DISCRIMINATION."

60 (d) (1) Each long-term care facility shall develop and implement  
61 procedures for recordkeeping, including, but not limited to, records  
62 generated at the time of a resident's admission that include the resident's  
63 gender identity, correct name and pronouns, as indicated by the  
64 resident. Each facility shall keep such records up to date.

65 (2) The State Ombudsman shall establish policies and procedures for  
66 recording complaints filed by or on behalf of residents of long-term care  
67 facilities pursuant to the provisions of this section.

68 (e) Long-term care facilities shall protect personally identifiable  
69 information regarding residents' sexual orientation, whether a resident  
70 is transgender, a resident's transition history and a resident's human  
71 immunodeficiency virus status from unauthorized disclosure in  
72 accordance with the Health Insurance Portability and Accountability  
73 Act of 1996, P.L. 104-191, as amended from time to time, if applicable,

74 and any other applicable provision of federal or state law. A facility shall  
75 take any steps reasonably necessary to minimize the likelihood of  
76 inadvertent or incidental disclosure of such information to other  
77 residents, visitors or facility staff, except to the minimum extent  
78 necessary for facility staff to perform their duties.

79 (f) Long-term care facility staff not directly involved in providing  
80 direct care to a resident, including, but not limited to, a transgender or  
81 gender-nonconforming resident, shall not be present during physical  
82 examination or the provision of personal care to such resident if such  
83 resident is partially or fully unclothed without the express permission  
84 of such resident or such resident's legal guardian, legal representative  
85 or other legally responsible party. A facility shall use doors, curtains,  
86 screens or other effective visual barriers to provide bodily privacy for  
87 all residents, including, but not limited to, transgender or gender-  
88 nonconforming residents, whenever such residents are partially or fully  
89 unclothed. All residents, including, but not limited to, lesbian, gay,  
90 bisexual, transgender or gender-nonconforming residents, shall be  
91 informed of and have the right to refuse to be examined, observed or  
92 treated by any facility staff when the primary purpose of such  
93 examination, observation or treatment is educational or informational  
94 rather than therapeutic, or for the evaluation or reevaluation of a  
95 resident's health. Such refusal shall not diminish the resident's access to  
96 care for the primary purpose of diagnosis or treatment.

97 (g) (1) At least once every two years, a long-term care facility shall  
98 ensure that every facility staff member who works directly with  
99 residents receives training, developed by the Commissioner of Public  
100 Health pursuant to subdivision (2) of this subsection, on cultural  
101 competency focusing on residents who identify as lesbian, gay, bisexual,  
102 transgender or gender-nonconforming or who are living with human  
103 immunodeficiency virus.

104 (2) Not later than January 1, 2026, the Commissioner of Public Health  
105 shall develop training materials for the purposes of subdivision (1) of  
106 this subsection. Such training materials (A) may be developed in

107 consultation with entities with expertise in the legal and social  
 108 challenges faced by aging persons who identify as lesbian, gay, bisexual  
 109 or transgender or gender-nonconforming or who are living with human  
 110 immunodeficiency virus, and (B) shall provide facility staff with the  
 111 knowledge and skills necessary to provide effective care, in compliance  
 112 with the provisions of this section, for such persons.

113 (3) Each long-term care facility shall ensure that a facility staff  
 114 member required to receive training pursuant to the provisions of this  
 115 subsection receives such training not more than six months after such  
 116 facility staff member is hired unless such facility staff member provides  
 117 proof of having received comparable training within the prior two years  
 118 that the facility determines complies with the provisions of this  
 119 subsection. If a facility determines that a facility staff member's prior  
 120 training complies with the provisions of this subsection, a record of the  
 121 content of such training sufficient to determine its compliance with the  
 122 provisions of this subsection shall be kept on site at such facility.

123 (h) If the Commissioner of Public Health finds that a long-term care  
 124 facility has failed to comply with the provisions of this section, the  
 125 commissioner may take any disciplinary action against such long-term  
 126 care facility permitted under section 19a-494 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	New section

**Statement of Legislative Commissioners:**

In Subsec. (d)(2), "filed from" was changed to "filed by or on behalf of" for clarity.

**AGE** Joint Favorable Subst. -LCO

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Public Health, Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

### **Municipal Impact:** None

### **Explanation**

The bill, which protects residents from certain types of discrimination in long-term care facilities, may result in a minimal General Fund revenue gain beginning in FY 26.

In accordance with protections granted in the bill, any non-compliant long-term care facility would be subject to disciplinary action, which may result in a revenue gain to the General Fund from civil penalties of up to \$25,000 per violation. The extent of the revenue gain, if any, is dependent on the number of violations and the Department of Public Health's (DPH's) discretion regarding imposing civil penalties.

Additionally, the bill requires DPH to develop anti-discrimination training materials to help support mandatory training for long-term care facility staff. This results in no fiscal impact, as the agency can meet these requirements with existing resources and expertise within the Office of Health Equity.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future.

**OLR Bill Analysis****HB 6913*****AN ACT CONCERNING LGBTQ+ DISCRIMINATION IN LONG-TERM CARE FACILITIES.*****SUMMARY**

This bill (1) explicitly prohibits a long-term care facility or its staff from discriminating against residents based on their actual or perceived sexual orientation, gender identity or expression, or human immunodeficiency virus (HIV) status and (2) specifies certain actions that are deemed discriminatory under this provision.

The bill creates various related requirements applicable to long-term care facilities, such as requiring these facilities to (1) post a printed nondiscrimination notice meeting certain specifications; (2) develop and implement certain recordkeeping procedures; (3) protect from unauthorized disclosure certain personally identifiable information about residents, according to state and federal laws; and (4) ensure their staff members who work directly with residents receive cultural competency training the Department of Public Health (DPH) must develop. It also has provisions specific to residents' bodily autonomy and privacy in the context of certain care, examinations, or treatments.

The bill requires the Long-Term Care Ombudsman to establish policies and procedures for recording related complaints filed by or on behalf of residents. If a long-term care facility does not comply with the bill's provisions, the DPH commissioner may take any disciplinary action existing law allows against these facilities for failing to comply with statutory requirements, the Public Health Code, or licensing regulations (e.g., suspending or revoking a license and certain civil penalties).

Under the bill, long-term care facilities are nursing homes or managed residential communities (MRCs) with DPH-regulated assisted living services. As under existing law, MRCs are facilities consisting of private residential units that provide a managed group living environment for people who are primarily at least age 55. The term excludes state-funded congregate housing facilities.

EFFECTIVE DATE: October 1, 2025

### **PROHIBITED DISCRIMINATORY ACTIONS**

Under the bill, long-term care facilities and their staff are prohibited from taking any of the following discriminatory actions based on a resident's actual or perceived sexual orientation, gender identity or expression, or HIV status:

1. denying admission to the facility, transferring or refusing to transfer a resident within a facility or to another facility, or discharging or evicting a resident;
2. denying residents' request to share a room;
3. assigning, reassigning, or refusing to assign a room to a transgender resident not in keeping with the resident's gender identity, unless at the resident's request (in facilities that assign rooms by gender);
4. prohibiting a resident from using a restroom available to other people of the same gender identity, regardless of whether the resident has taken or is taking hormones, has had transition-related surgery or is making a gender transition, or appears to be gender-nonconforming;
5. harassing a resident who uses (or seeks to use) a restroom as described above, which includes requiring a resident to show identity documents to enter a restroom available to other people of the same gender identity;



6. willfully and repeatedly failing to use a resident's preferred name or pronouns, including when the resident is not physically present;
7. denying a resident the right to wear or dress in clothing, accessories, or cosmetics permitted for any other resident;
8. restricting a resident's right to associate with other residents or visitors, including the right to consensual expression of intimacy or sexual relations, unless the restriction is uniformly applied to all residents in a nondiscriminatory manner; and
9. denying or restricting a resident from accessing appropriate medical or nonmedical care or providing medical or nonmedical care that unreasonably demeans the resident's dignity or causes avoidable discomfort.

The bill's prohibited discriminatory actions discussed above do not apply to the extent that they are incompatible with any professionally reasonable clinical judgment about a resident's care.

## **LONG-TERM CARE FACILITY REQUIREMENTS**

### ***Nondiscrimination Notice***

The bill requires long-term care facilities to post, in a prominent place, a printed notice in at least 14-point bold font including certain information. It must generally state that (1) they do not discriminate or permit discrimination based on actual or perceived sexual orientation, gender identity or expression, or HIV status and (2) residents may file a complaint with the Long-Term Care Ombudsman.

### ***Recordkeeping and Protection of Personally Identifiable Information***

The bill requires long-term care facilities to develop and implement recordkeeping procedures for, at a minimum, records generated at residents' admission with their indicated gender identity, correct name, and pronouns. Facilities must keep these records up to date.

Under the bill, long-term care facilities must protect from unauthorized disclosure personally identifiable information on residents' sexual orientation, transgender status, transition history, and HIV status. They must do so according to the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and other federal and state laws, as applicable. Facilities must take reasonably needed steps to avoid inadvertently or incidentally disclosing this information to other residents, visitors, or facility staff, except to the minimum extent needed for facility staff to do their duties.

### ***Bodily Autonomy and Privacy of Residents***

The bill prohibits long-term care facility staff not directly involved in providing direct care to a resident from being present during physical examinations or personal care if the resident is partially or fully unclothed, unless there is express permission from the resident or their legal guardian, legal representative, or other legally responsible party. It requires facilities to use certain bodily privacy measures (e.g., doors, curtains, screens, or other effective visual barriers) whenever residents are partially or fully unclothed.

The bill specifies that residents have the right to refuse examination, observation, or treatment by facility staff when the primary purpose is educational or informational, rather than therapeutic or for health evaluation. It requires facilities to inform them of this right.

Under the bill, a refusal must not reduce a resident's access to care for the primary purpose of diagnosis or treatment.

The bill also specifies these provisions on bodily autonomy and privacy apply to all residents, including lesbian, gay, bisexual, transgender, or gender-nonconforming residents.

### ***Training***

At least every two-years, the bill requires long-term care facilities to ensure their staff members who work directly with residents receive DPH-developed cultural competency training focused on residents who identify as lesbian, gay, bisexual, transgender, or gender-

nonconforming, or are living with HIV.

The bill requires the DPH Commissioner, by January 1, 2026, to develop these training materials and allows her to do so in consultation with entities that have expertise in legal and social challenges faced by aging people who identify as described above. The training materials must provide facility staff with the knowledge and skills needed to effectively care for these residents, in compliance with the bill's provisions.

Under the bill, long-term care facilities must ensure staff subject to the training requirement receive the training within six months of hire, unless a staff member shows proof they had comparable training within the prior two years. The facility must determine that any comparable training meets the bill's requirements and keep a record of its content onsite sufficient to make this determination.

## **BACKGROUND**

### ***Existing Discrimination Protections***

In general, existing state law prohibits discrimination based on gender identity or expression, sexual orientation, and physical disability (among others) in employment transactions; the full and equal enjoyment of goods, services, or facilities offered to the public; housing transactions; and credit transactions. It also authorizes people to file discrimination complaints with the Commission on Human Rights and Opportunities, which enforces state antidiscrimination laws (see generally CGS Chapter 814c).

Additionally, the federal Americans with Disabilities Act (ADA) generally guarantees equal opportunity for people with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. Both symptomatic and asymptomatic people with HIV are protected by the ADA (as are those who are discriminated against because they have a record of or are regarded as having HIV).

**COMMITTEE ACTION**

Aging Committee

Joint Favorable

Yea 10 Nay 3 (03/04/2025)