



House of Representatives

File No. 905

General Assembly

January Session, 2025

(Reprint of File No. 148)

Substitute House Bill No. 6913
As Amended by House Amendment
Schedule "B"

Approved by the Legislative Commissioner
May 12, 2025

AN ACT PROHIBITING LONG-TERM CARE FACILITIES FROM DISCRIMINATING AGAINST LONG-TERM CARE FACILITY RESIDENTS.

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) "Long-term care facility" or "facility" means a nursing home
3 facility, as defined in section 19a-490 of the general statutes, or a
4 managed residential community, as defined in section 19a-693 of the
5 general statutes, with assisted living services regulated by the
6 Department of Public Health;

7 (2) "Long-term care facility staff" or "facility staff" means all persons
8 employed by or contracted directly with a long-term care facility; and

9 (3) "Resident" means a resident or patient of a long-term care facility.

10 (b) (1) No long-term care facility or long-term care facility staff shall

11 discriminate against any resident on the basis of such resident's race,
12 color, religious creed, sex, actual or perceived gender identity or
13 expression, sexual orientation, marital status, age, national origin,
14 ancestry, intellectual disability, mental disability, learning disability,
15 physical disability, status as a veteran, status as a victim of domestic
16 violence or human immunodeficiency virus status.

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

20 (c) Each long-term care facility shall post in a prominent place in such
21 facility the following notice printed in at least fourteen-point boldface
22 capital letters: "(NAME OF FACILITY) DOES NOT DISCRIMINATE
23 AND DOES NOT PERMIT DISCRIMINATION, INCLUDING, BUT
24 NOT LIMITED TO, BULLYING, ABUSE, HARASSMENT OR
25 DIFFERENTIAL TREATMENT ON THE BASIS OF RACE, COLOR,
26 RELIGIOUS CREED, SEX, GENDER IDENTITY OR EXPRESSION,
27 SEXUAL ORIENTATION, MARITAL STATUS, AGE, NATIONAL
28 ORIGIN, ANCESTRY, INTELLECTUAL DISABILITY, MENTAL
29 DISABILITY, LEARNING DISABILITY, PHYSICAL DISABILITY,
30 STATUS AS A VETERAN, STATUS AS A VICTIM OF DOMESTIC
31 VIOLENCE OR HUMAN IMMUNODEFICIENCY VIRUS STATUS.
32 YOU MAY FILE A COMPLAINT WITH THE OFFICE OF THE LONG-
33 TERM CARE OMBUDSMAN (PROVIDE CONTACT INFORMATION)
34 IF YOU BELIEVE THAT YOU HAVE EXPERIENCED
35 DISCRIMINATION."

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

39 (e) Long-term care facility staff not directly involved in providing
40 direct care to a resident shall not be present during physical examination
41 or the provision of personal care to such resident if such resident is
42 partially or fully unclothed without the express permission of such

43 resident or such resident's legal guardian, legal representative or other
44 legally responsible party. A facility shall use doors, curtains, screens or
45 other effective visual barriers to provide bodily privacy for all residents
46 whenever such residents are partially or fully unclothed. All residents
47 shall be informed of and have the right to refuse to be examined,
48 observed or treated by any facility staff when the primary purpose of
49 such examination, observation or treatment is educational or
50 informational rather than therapeutic, or for the evaluation or
51 reevaluation of a resident's health. Such refusal shall not diminish the
52 resident's access to care for the primary purpose of diagnosis or
53 treatment.

54 (f) (1) At least once every two years, a long-term care facility shall
55 ensure that every facility staff member who works directly with
56 residents receives training, developed by the Commissioner of Public
57 Health pursuant to subdivision (2) of this subsection, on cultural
58 competency focusing on residents who identify as lesbian, gay, bisexual,
59 transgender or gender-nonconforming or who are living with human
60 immunodeficiency virus.

61 (2) Not later than January 1, 2026, the Commissioner of Public Health
62 shall develop training materials for the purposes of subdivision (1) of
63 this subsection. Such training materials (A) may be developed in
64 consultation with entities with expertise in the legal and social
65 challenges faced by aging persons who identify as lesbian, gay, bisexual
66 or transgender or gender-nonconforming or who are living with human
67 immunodeficiency virus, and (B) shall provide facility staff with the
68 knowledge and skills necessary to provide effective care, in compliance
69 with the provisions of this section, for such persons.

70 (3) Each long-term care facility shall ensure that a facility staff
71 member required to receive training pursuant to the provisions of this
72 subsection receives such training not more than six months after such
73 facility staff member is hired unless such facility staff member provides
74 proof of having received comparable training within the prior two years
75 that the facility determines complies with the provisions of this

76 subsection. If a facility determines that a facility staff member's prior
77 training complies with the provisions of this subsection, a record of the
78 content of such training sufficient to determine its compliance with the
79 provisions of this subsection shall be kept on site at such facility.

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

84 (h) Nothing in this section shall be construed to limit any remedies
85 available to a resident at law or in equity.

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

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 and requires certain privacy 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 cultural competency 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.

House "B", which makes various changes to the bill's antidiscrimination provisions and related responsibilities of long-term care facilities, has no fiscal impact.

The Out Years

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

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OLR Bill Analysis**sHB 6913 (as amended by House "B")******AN ACT CONCERNING LGBTQ+ DISCRIMINATION IN LONG-TERM CARE FACILITIES.*****SUMMARY**

This bill generally prohibits long-term care facilities, and their staff, from discriminating against residents based on certain characteristics and status.

It requires long-term care facilities to (1) post a printed nondiscrimination notice meeting certain specifications; (2) ensure their staff members who work directly with residents receive cultural competency training the Department of Public Health (DPH) must develop; and (3) respect residents' physical privacy in the context of certain care, examinations, or treatments. The bill also 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.

Lastly, the bill specifies that it does not limit a resident from seeking any available legal remedies if they have been subject to discrimination.

*House Amendment “B” replaces the underlying bill (File 148). In doing so, it removes provisions on (1) specific prohibited acts of discrimination, (2) record keeping, and (3) protection of personal identifiable information. It also (1) amends and expands the set of characteristics and statuses of residents that a facility and its staff may not discriminate against and (2) specifies that nothing in the bill limits a resident from seeking any available legal remedies if they have been discriminated against.

EFFECTIVE DATE: October 1, 2025

PROHIBITED DISCRIMINATION

The bill prohibits long-term care facilities and their staff from discriminating against any resident on the basis of their race, color, religious creed, sex, actual or perceived gender identity or expression, sexual orientation, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, status as a veteran, status as a victim of domestic violence, or HIV status unless it is 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 that includes certain information. It must generally state that (1) they do not discriminate based on race, color, religious creed, sex, gender identity or expression, sexual orientation, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, status as a veteran, status as a victim of domestic violence, or HIV status and (2) residents may file a complaint with the long-term care ombudsman if they believe they have experienced discrimination.

Physical Privacy of Residents During Examinations and While Receiving Personal Care

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 the evaluation or reevaluation of their health. Facilities must inform their residents 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.

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 after the

facility hires them, unless a staff member provides proof of receiving 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 that is 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 have a record of or are regarded as having HIV.

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 10 Nay 3 (03/04/2025)