



General Assembly

Amendment

January Session, 2025

LCO No. 7977



Offered by:

REP. GARIBAY, 60th Dist.

REP. SHANNON, 117th Dist.

To: Subst. House Bill No. 6913

File No. 148

Cal. No. 122

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

4 (1) "Gender identity or expression" has the same meaning as
5 provided in section 1-1n of the general statutes;

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

11 (3) "Long-term care facility staff" or "facility staff" means all persons
12 employed by or contracted directly with a long-term care facility;

13 (4) "Resident" means a resident or patient of a long-term care facility;
14 and

15 (5) "Sexual orientation" has the same meaning as provided in section
16 46a-51 of the general statutes.

17 (b) (1) No long-term care facility or long-term care facility staff shall
18 take any of the following actions against any resident on the basis of
19 such resident's actual or perceived sexual orientation, gender identity or
20 expression or human immunodeficiency virus status:

21 (A) Deny a request by residents to share a room, except a request by
22 residents to share a single occupancy room;

23 (B) In a facility where rooms are assigned by gender, assign, reassign
24 or refuse to assign a room to a transgender resident other than in
25 accordance with the transgender resident's gender identity, unless at the
26 transgender resident's request;

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

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

37 (E) Deny or restrict a resident from accessing appropriate medical or
38 nonmedical care, or provide medical or nonmedical care that
39 unreasonably demeans the resident's dignity or causes avoidable
40 discomfort.

41 (2) The provisions of this subsection shall not apply to the extent that

42 they are incompatible with any professionally reasonable clinical
43 judgment regarding the care of a resident.

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

55 (d) (1) Each long-term care facility shall develop and implement
56 procedures for recordkeeping, including, but not limited to, records
57 generated at the time of a resident's admission that include the resident's
58 gender identity and preferred name, as indicated by the resident. Each
59 facility shall keep such records up to date.

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

63 (e) Long-term care facilities shall protect personally identifiable
64 information regarding residents' sexual orientation, whether a resident
65 is transgender, a resident's transition history and a resident's human
66 immunodeficiency virus status from unauthorized disclosure in
67 accordance with the Health Insurance Portability and Accountability
68 Act of 1996, P.L. 104-191, as amended from time to time, if applicable,
69 and any other applicable provision of federal or state law. A facility shall
70 take any steps reasonably necessary to minimize the likelihood of
71 inadvertent or incidental disclosure of such information to other
72 residents, visitors or facility staff, except to the minimum extent
73 necessary for facility staff to perform their duties.

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

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

99 (2) Not later than January 1, 2026, the Commissioner of Public Health
100 shall develop training materials for the purposes of subdivision (1) of
101 this subsection. Such training materials (A) may be developed in
102 consultation with entities with expertise in the legal and social
103 challenges faced by aging persons who identify as lesbian, gay, bisexual
104 or transgender or gender-nonconforming or who are living with human
105 immunodeficiency virus, and (B) shall provide facility staff with the
106 knowledge and skills necessary to provide effective care, in compliance

107 with the provisions of this section, for such persons.

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

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

122 (i) Nothing in this section shall be construed to limit any remedies
123 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