
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)