



General Assembly

January Session, 2025

Raised Bill No. 6913

LCO No. 4357



Referred to Committee on AGING

Introduced by:
(AGE)

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 from residents of long-term care facilities
67 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 receive 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 Purpose:

To prohibit long-term care facilities or long-term care facility staff from discriminating against any long-term care facility resident on the basis of such resident's actual or perceived sexual orientation, gender identity or expression or human immunodeficiency virus status.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]