
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)