



News & Updates

CALIFORNIA BILL LOOKS TO EXPAND PROTECTIONS AFFORDED LGBT RESIDENTS IN LONG-TERM CARE FACILITIES

A bill that recently passed the California State Senate would, if enacted, significantly increase the protections afforded to LGBT seniors residing in California long-term care facilities.

SB 219, also known as the California LGBT Seniors Long-Term Care Bill of Rights, seeks to prohibit long-term care facilities from discriminating against LGBT seniors with respect to:

1. Admission, transfer, and discharge decisions;
2. Requests by residents to share a room;
3. The assignment of a room to a transgender resident other than in accordance with the transgender resident's gender identity, unless at the transgender resident's request;
4. Residents' decisions to use the bathroom of their choosing where bathrooms are denoted by gender; and
5. The facility's visitor policy.

Notably, SB 219 would also prohibit long-term care facilities from "willfully and repeatedly failing to use a resident's preferred name or pronouns after being clearly informed of the preferred name or pronouns." The bill also prohibits facilities from denying residents "the right to wear or be dressed in clothing, accessories, or cosmetics that are permitted for any other resident."

A violation of any provision of SB 219 could result in a civil penalty up to \$1,000 and even a misdemeanor conviction, with a term of imprisonment up to one year.

The California State Assembly has not yet voted on SB 219. Providers in all states are well advised to track state legislative developments that may potentially enlarge protections for residents beyond those currently provided under federal law.

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