



## FACT SHEET LGBT Training for Health Professionals in Senior Care Facilities (SB 1729)

Questions: [email@eqca.org](mailto:email@eqca.org)

*This bill would require that licensed health professionals who have constant interaction with seniors in institutional settings receive training to better understand how to foster an environment that is free from discrimination based on sexual orientation and gender identity.*

**Status:** Introduced February 22, 2008

**Author:** Senator Carole Migden

**Sponsor:** Equality California

### BACKGROUND

For the aging and unwell, life in a 24-hour senior care facility can be isolating and lonely. Lesbian, gay, bisexual and transgender (LGBT) seniors in particular experience a heightened sense of isolation. A 2000 study by the Policy Institute of the National Gay and Lesbian Task Force entitled, "Outing Age: Public Policy Issues Affecting Gay, Lesbian, Bisexual and Transgender Elders," described some of the factors that place LGBT seniors at higher risk:

- Social Security pays survivor benefits to widows and widowers but not to the surviving same-sex life partner of someone who dies.
- Married spouses are eligible for Social Security spousal benefits, which can allow them to earn half their spouse's Social Security benefit if it is larger than their own Social Security benefit. Unmarried partners in lifelong relationships are not eligible for spousal benefits.
- Medicaid regulations protect the assets and homes of married spouses when the other spouse enters a nursing home or long-term care facility; no such protections are offered to same-sex partners.
- Tax laws and other regulations of 401(k)s and pensions discriminate against same-sex partners, costing the surviving partner in a same-sex relationship tens of thousands of dollars a year.
- Even the most basic rights such as hospital visitation or the right to die in the same nursing home are regularly denied same-sex partners.

Social marginalization of LGBT seniors is often exacerbated once these individuals enter institutionalized care. Heterosexual assumptions may lead some seniors to "go back into the closet" for fear of revealing their sexual orientation or gender identity. Lack of recognition of LGBT seniors' partners or family structures may deprive individuals of needed supports. LGBT seniors also face outright homophobia and transphobia while institutionalized, limiting their access to essential services, programs and activities.

## **EXISTING LAW**

Legislation sponsored by Equality California in 2006 amended the Welfare and Institutions Code to require the California Department of Aging (CDA) and the Area Agencies on Aging (AAAs) to ensure that all CDA and AAA programs account for the needs of aging LGBT Californians. This was an important first step for seniors who depend on home health services, such as adult day care, respite care and in-home meal delivery.

Current law, however, does not require any specific training on LGBT issues for professionals who interact with seniors in 24-hour care facilities. While many of these professionals are already required to receive training pertaining to cultural diversity and working with people with disabilities, there is no LGBT-specific training requirement.

## **WHAT THIS BILL WOULD DO**

SB 1729 would require that all registered nurses (RN's), licensed vocational nurses (LVN's), certified nurse assistants (CNA's), and physicians and surgeons working in 24-hour senior care facilities participate in a training program that focuses on preventing and eliminating discrimination based on sexual orientation and gender identity. Where utilized, such trainings designed to educate providers about nondiscrimination laws and policies, how to avoid heterosexual assumptions, and how to create a culture of respect for gender and sexual orientation diversity, have already proven effective in transforming institutions to be more inclusive of and welcoming to LGBT seniors.

## **FOR MORE INFORMATION**

Alice Kessler, Equality California – (916) 554-7681 or [alice@eqca.org](mailto:alice@eqca.org)

Bridget Kolakosky, Office of Senator Carole Migden – (916) 651-4003 or [Bridget.Kolakosky@sen.ca.gov](mailto:Bridget.Kolakosky@sen.ca.gov)