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SB 219 – Seniors Long Term Care Bill of Rights

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Sponsor: Equality California

In Brief

SB 219 strengthens protections for lesbian, gay, bisexual, and transgender (LGBT) seniors living in long-term care facilities against discrimination, such as refusing to use a resident's preferred name or pronoun, denying admission to a long-term care facility, transferring a resident within a facility or to another facility based on anti-LGBT attitudes of other residents, or evicting or involuntarily discharging a resident from a facility on the basis of their actual or perceived sexual orientation, gender identity, gender expression or HIV status.

Background

California already provides some of the strongest civil rights protections in the nation to LGBT people in all aspects of their lives, including housing and public accommodations. This bill is needed to affirm the protections that LGBT older adults can already rely on under California law and provide specific guidance to facilities and staff on caring for their residents, including the specific needs of LGBT seniors.

The Issues

LGBT elders are disproportionately vulnerable to marginalization, isolation, homelessness, poverty, and premature institutionalization. When LGBT older adults need long-term care, they face significant barriers to accessing care that is culturally competent, safe, and respectful. In one national survey, *LGBT Older Adults in Long-Term Care Facilities: Stories from the Field*, less than a quarter of LGBT older adult respondents said they were able to be open about their sexual orientation or gender identity with staff at long-term care facilities, and 89 percent of respondents were concerned about facing discrimination from staff. Tragically, many LGBT elders either face these risks of discrimination head-on or go back into the closet, often after living openly for many years.

The Solution

SB 219 will ensure that LGBT older adults can advocate for their rights and dignity by specifically prohibiting discrimination in admissions, transfer, eviction, room assignment, and visitation. As an example, the bill requires that facility staff respect transgender and gender non-conforming people's identity and expression for room assignments, preferred names and pronouns, and dress. In addition, SB 219 requires each long-term care facility to include information about the specific needs of LGBT seniors in posted notices wherever their current nondiscrimination policy is posted. This bill furthers previous efforts to ensure dignity and respect for LGBT older adults in California by increasing awareness of their rights as enumerated specifically and imposing consequences for violations.

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