



## **New Legislation Provides Bill of Rights for LGBTQIA+ Residents of Long-Term Care Facilities**

While significant strides have been made in recent years towards combatting discrimination against LGBTQIA+ individuals, it can still be difficult for some residents in senior living and long-term care settings to feel safe being open about their identities. On November 30, 2023, Governor Kathy Hochul signed legislation designed to protect the growing numbers of LGBTQIA+ residents in New York nursing homes and other long-term care facilities. The legislation, known as the Long-Term Care Facility Residents' Bill of Rights, specifically prohibits a long-term care facility and its staff from discriminating against a resident based upon their actual or perceived sexual orientation, gender identity or expression, or HIV status.

The new legislation builds on existing protections contained in New York's Human Rights Law in an effort to mitigate the isolation and discrimination all too often faced by LGBTQIA+ residents. Under the Bill of Rights, long-term care facilities are barred from making discriminatory decisions based on a resident's actual or perceived sexual orientation, gender identity or expression, or HIV status, including denying admission to a long-term care facility, transferring or denying a transfer within a facility or to another facility, or discharging a resident from a facility. The new law also provides protections that impact a resident's ability to openly express their identity within a long-term care facility, including their right to use a restroom that matches their gender identity, to be referred to using their preferred name and pronouns, and to dress or be dressed in any clothing or accessories available to any other resident. In addition, staff members of long-term care facilities will be required to complete cultural competency training to be developed by New York State.

Cona Elder Law's experienced attorneys continue to monitor the most recent developments regarding this legislation and other important legal matters concerning the nursing home industry. Contact us at 631.390.5000 or [click here](#) to learn more about how our firm can help your facility preserve its bottom line and ensure its ability to continue to provide quality services to nursing home residents.