

# STATE OF NEW YORK

2534

2021-2022 Regular Sessions

## IN SENATE

January 21, 2021

Introduced by Sens. RIVERA, HOYLMAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health

AN ACT relating to requiring home health aides and nurse's aides to  
receive training in working with lesbian, gay, bisexual and transgen-  
der individuals

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

- 1 Section 1. The commissioner of health, in consultation with the  
2 commissioner of education, shall develop a training program unit which  
3 focuses on working with lesbian, gay, bisexual and transgender popu-  
4 lations, as part of the state approved education or training programs  
5 required for certification of home health aides, personal care aides,  
6 personal care staff, and certified nurse's aides.
- 7 § 2. The training program unit required by this act should include the  
8 following components and information:
- 9 (a) an explanation of the terms lesbian, gay, bisexual, and transgen-  
10 der (LGBT);
- 11 (b) an understanding of why LGBT individuals may hide their identity;
- 12 (c) incorporate LGBT concerns into person-directed care, so that each  
13 individual can make the best decisions for their own situation;
- 14 (d) specific information designed for staff working in nursing care or  
15 other residential care settings;
- 16 (e) unique needs of LGBT individuals, including older adults;
- 17 (f) an overview of the various rights and protections extended to LGBT  
18 individuals;
- 19 (g) best practices for creating communities welcoming to LGBT individ-  
20 uals including older adults, their loved ones, and their caregivers;
- 21 (h) practical tips from experts about how to ask questions related to  
22 sexual orientation and gender identity and understand why these ques-  
23 tions are important for all service organizations;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (i) teach the nuances of asking questions related to sexual orien-  
2 tation and gender identity to LGBT individuals, including older adults;  
3 (j) how to respectfully respond to questions and concerns that arise  
4 in conversations relating to sexual orientation and gender identity; and  
5 (k) best practices for providing transgender affirming care.

6 § 3. The training unit required by this act shall be developed within  
7 six months of the effective date of this act and shall be required for  
8 all certifications and re-certifications of home health aides, personal  
9 care aides, personal care staff, and certified nurse's aides issued on  
10 and after such six month date.

11 § 4. This act shall take effect immediately.