

# STATE OF NEW YORK

612

2023-2024 Regular Sessions

## IN ASSEMBLY

January 10, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

AN ACT relating to the availability of training for state approved education or training programs required for certification of home health aides, personal care aides, and certified nurse aides

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

1 Section 1. Section 1 of a chapter of the laws of 2022 relating to  
2 requiring home health aides and nurse's aides to receive training in  
3 working with patients of diverse sexual orientations and gender identi-  
4 ties or expressions, as proposed in legislative bills numbers S. 2534-A  
5 and A. 1880-A, is amended to read as follows:

6 Section 1. The commissioner of health, in consultation with the  
7 commissioner of education, shall [~~develop a training program unit~~]  
8 require training which focuses on working with patients of diverse sexu-  
9 al orientations and gender identities or expressions, as part of the  
10 state approved education or training programs required for certification  
11 of home health aides, personal care aides, [~~personal care staff,~~] and  
12 certified [~~nurse's~~] nurse aides.

13 § 2. Section 2 of a chapter of the laws of 2022 relating to requiring  
14 home health aides and nurse's aides to receive training in working with  
15 patients of diverse sexual orientations and gender identities or  
16 expressions, as proposed in legislative bills numbers S. 2534-A and A.  
17 1880-A, is amended to read as follows:

18 § 2. The training [~~program unit~~] required by this act should include  
19 the following components and information:

20 (a) an explanation of the terms lesbian, gay, bisexual, queer, ques-  
21 tioning, intersex, asexual, gender non-conforming and non-binary;

22 (b) an understanding of why patients with diverse sexual orientations  
23 and gender identities or expressions may hide their identities;

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

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1 (c) incorporate concerns of patients with diverse sexual orientations  
2 and gender identities or expressions into person-directed care, so that  
3 each individual can make the best decisions for their own situation;

4 (d) specific information designed for staff working in nursing care or  
5 other residential care settings;

6 (e) unique needs of patients with diverse sexual orientations and  
7 gender identities or expressions, including older adults;

8 (f) an overview of the various rights and protections for patients  
9 with diverse sexual orientations and gender identities or expressions;

10 (g) best practices for creating communities welcoming to patients with  
11 diverse sexual orientations and gender identities or expressions includ-  
12 ing older adults, their loved ones, and their caregivers;

13 (h) practical tips from experts about how to ask questions related to  
14 sexual orientation and gender identity or expression and understand why  
15 these questions are important for all service organizations;

16 (i) teach the nuances of asking questions related to sexual orien-  
17 tation and gender identity or expression, including older adults;

18 (j) how to respectfully respond to questions and concerns that arise  
19 in conversations relating to sexual orientation and gender identity or  
20 expression; and

21 (k) best practices for providing affirming care to patients with  
22 diverse sexual orientations and gender identities or expressions.

23 § 3. Section 3 of a chapter of the laws of 2022 relating to requiring  
24 home health aides and nurse's aides to receive training in working with  
25 patients of diverse sexual orientations and gender identities or  
26 expressions, as proposed in legislative bills numbers S. 2534-A and A.  
27 1880-A, is amended to read as follows:

28 § 3. The training [~~unit~~] required by this act shall be [~~developed~~]  
29 available within [~~six~~] twelve months of the effective date of this act  
30 and shall be required for all certifications and re-certifications of  
31 home health aides, personal care aides, [~~personal care staff~~] and  
32 certified [~~nurse's~~] nurse aides issued on and after such [~~six~~] twelve  
33 month date.

34 § 4. This act shall take effect on the same date and in the same  
35 manner as a chapter of the laws of 2022 relating to requiring home  
36 health aides and nurse's aides to receive training in working with  
37 patients of diverse sexual orientations and gender identities or  
38 expressions, as proposed in legislative bills numbers S. 2534-A and A.  
39 1880-A, takes effect.