

STATE OF NEW YORK

831

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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.