



● WEBINAR

# Voices for Equality: Advocating for LGBTQ+ Residents



THURSDAY, AUGUST 11 | 3:00 - 4:15 PM ET



The National Long-Term Care  
Ombudsman Resource Center



The National  
**CONSUMER VOICE**  
for Quality Long-Term Care

# Welcome

- ▶ This webinar is being **recorded**.
- ▶ Use the **Q&A feature** for questions for the speakers.
- ▶ Use the **chat feature** to submit comments or respond to questions from speakers or other attendees.
- ▶ Please complete the **evaluation** questionnaire when the webinar is over.
- ▶ Links to **resources** will be posted in the chat box and will be posted to the NORC website – [ltcombudsman.org](http://ltcombudsman.org).

# Speakers



**Dan Stewart, MSG  
(He/Him)**

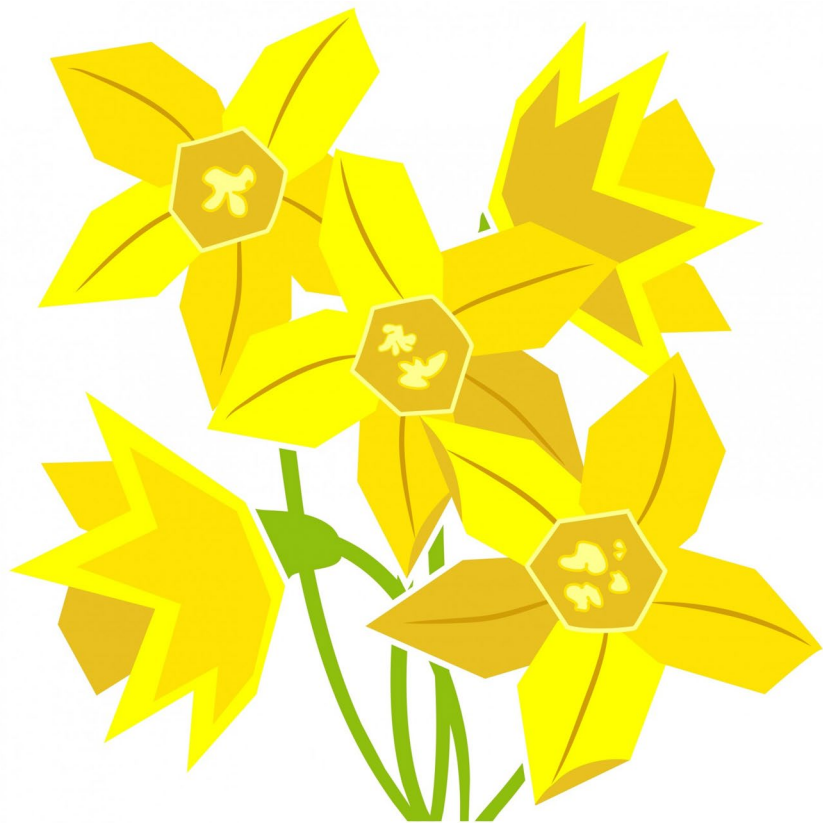
Associate Director, The Aging  
Equality Project

Human Rights Campaign Foundation



**Sherrill Wayland, MSW  
(She/Her/They/Them)**

Director, Special Initiatives  
SAGE



*Thank You*

# Our Organizations



<https://www.thehrcfoundation.org/>



<https://www.sageusa.org/>





**Who are  
LGBTQ+  
Older  
Adults?**

# LGBTQ+ Older People Need Support

Less likely to be partnered

Less likely to have children

More likely to develop chronic  
health conditions

Less likely to seek care



# Accumulation of a Lifetime of...



Resiliency

Legal discrimination

Medical trauma & barriers

Invisibility



# Residential Long-Term Care Concerns

# Patchwork of Protections

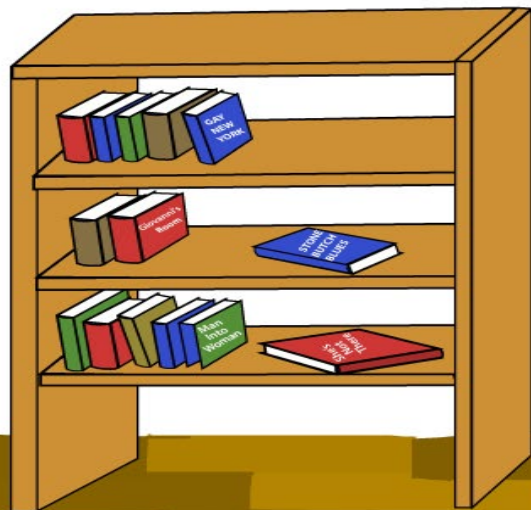




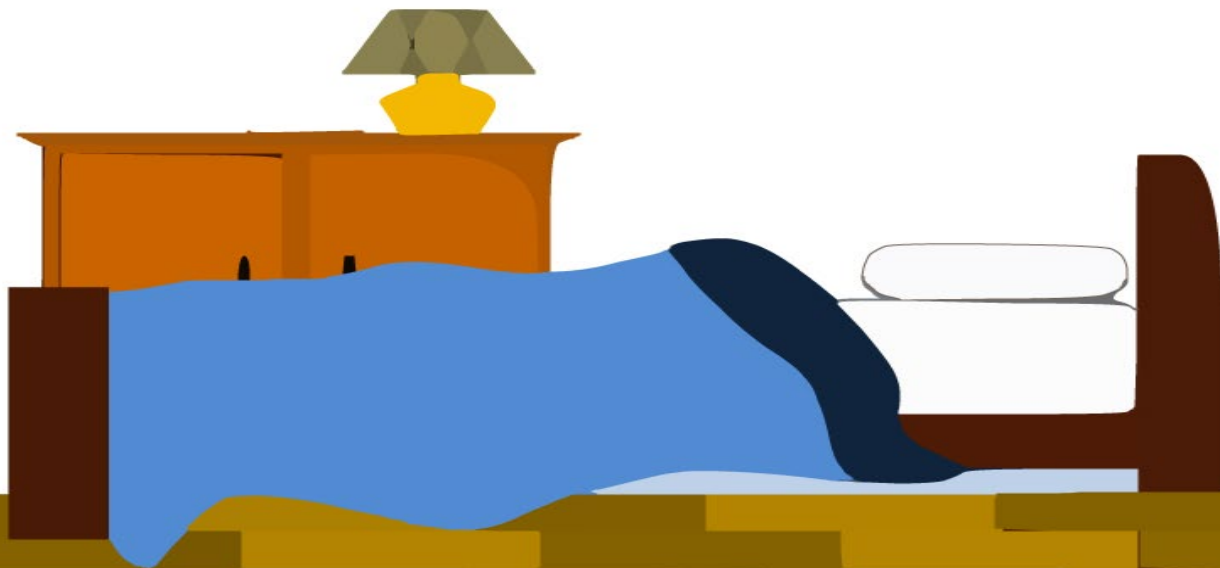
# Impact of Invisibility

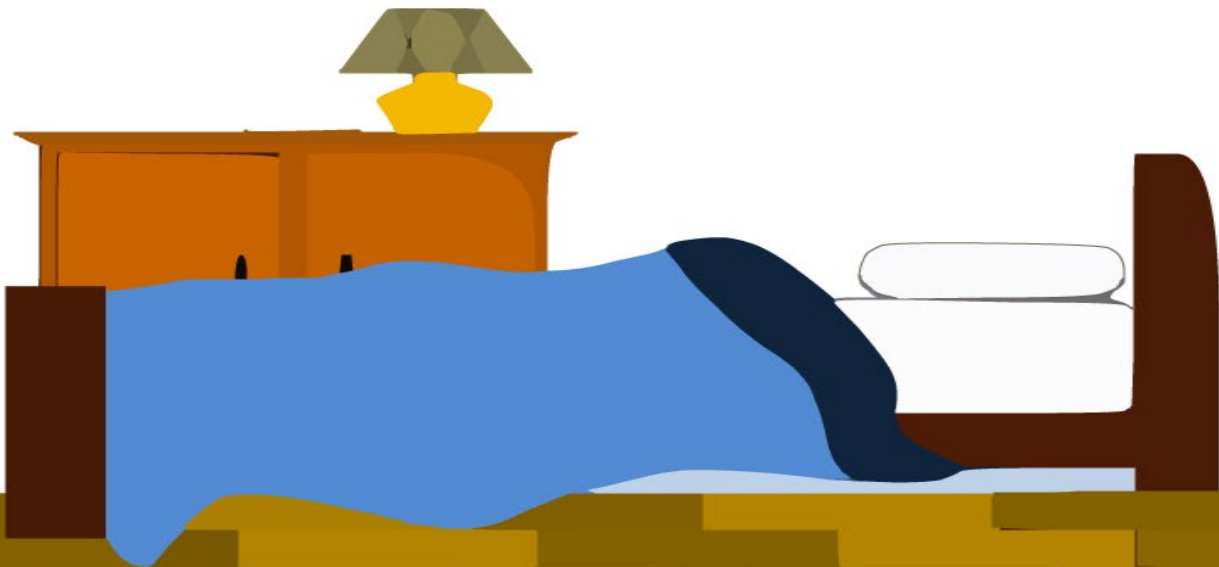
- Over 60% fear they may be denied care, receive limited care, and risk neglect and abuse in long-term care settings
- Some LGBTQ+ elders withdraw and hide their identity to feel safe
- Loneliness, depression, cognitive decline

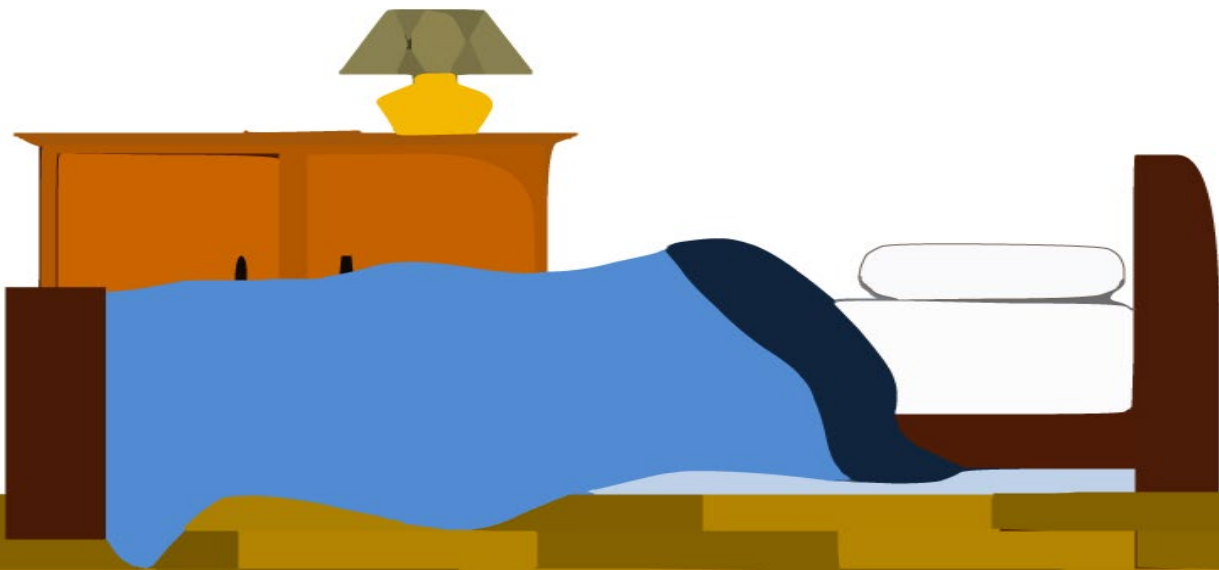
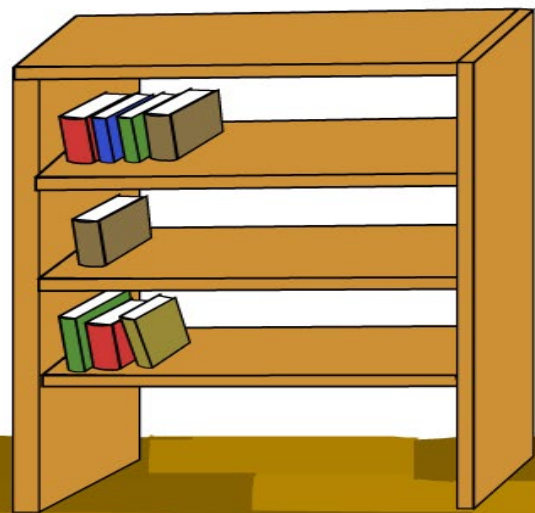














# Inclusivity in Practice





**Inclusion in Culture, Policy, and Programming.**

**Most  
Important  
Help:  
Unconditional  
Listening**

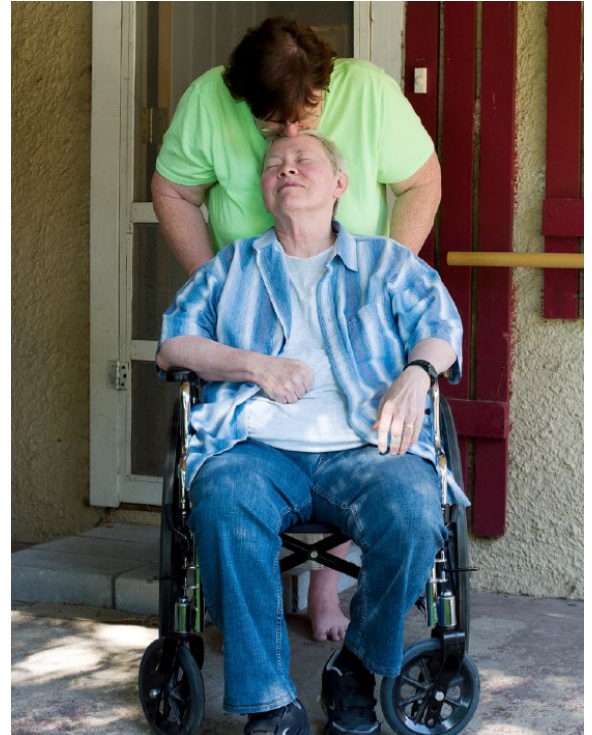


# Steps for Unconditional Listening

- Ask About Resident Name & Pronouns
  - Use stated Name and Pronouns
- Ask questions only to clarify.
- Don't ask questions out of curiosity.
- Give advice only if it is asked.
- Trust what is being shared by the person – as they know what is best for them

# Seeing, Believing, and Supporting as an Ally

- Help older adult clarify their concerns/grievances
- Connect older adult's family members with others
- Be a good witness rather than an advice-giver
- Express confidence about older adult's ability to cope
- Support Residents Gender Presentation (clothing, personal care, hairstyle, cosmetics, etc.)
- Support Room Assignment based on Gender Identity
- Find resources for the older adult





# Care with Policy and Procedure



**Marie King, 79**

- Assurance & protection
- Long-lasting change
- Affirm “dignity and respect”
- Outward and public support
- Discrimination protection where there is not any



# Upholding Protections and Policy

- Residents' Rights
  - Consumer Voice - LGBTQ+ Know YOUR Rights guide
- CMS Updated Nursing Home Guidance Phase III
  - October 24, 2022
  - Areas include: visitation, staffing, abuse and neglect, transfer and discharge rights, infection control, resident assessments
    - **Psychosocial Harm**, F600, 42 C.F.R. § 483.12(a)(1) p. 86
    - **Transfer and Discharge**, F623, 42 C.F.R. § 483.15(c)(3), p. 184
    - **Culturally Competent Care**, (p. 233)
    - **Trauma Informed Care**, p. 233

# Upholding Protections and Policy

- “LGBTQ+ Resident Bill of Rights”
  - CA, NJ, DC
  - LGBTQ+ & HIV/AIDS status protections
    - actual or perceived
  - Requires annual staff training
  - Prohibits actions such as:
    - Denying admission to, transferring or discharging a resident
    - Forbidding a resident from using a restroom based on gender
    - Repeatedly failing to use a resident’s name or pronouns
    - Denying access or providing unequal care
    - Denying a resident the right to choose clothes that are consistent with the resident’s gender identity or expression



# The Long-Term Care Equality Index

Enacting System Level Change



# What is the Long-Term Care Equality Index

The LEI is designed to both **assess** a senior housing community's current services, and **assist** them in **adopting policies and procedures that promote LGBTQ+ culturally competent care**



# Who can Participate?

## *Senior Living Communities including:*

- Life Plan Communities/CCRCs
- Skilled Nursing Communities
- Assisted Living Communities
- Memory Care Communities
- Independent Living Communities
- Affordable Senior Housing
- Free-Standing Hospice Facilities





# Benefits

- Provide a welcoming environment
- Public recognition as a leader in LGBTQ-welcoming care
- Access to best practices
- Access to quality education and resources
- Improve ability to develop LGBTQ-inclusive marketing
- Technical assistance with meeting state and federal regulatory requirements



# LEI Criteria

1. Foundational:  
Non-Discrimination and Staff  
Training

2. Resident Services and  
Support

LGBTQ+ Inclusion

3. Employee Benefits and  
Policies

4. Resident and Community  
Engagement

# 1. Non-Discrimination and Staff Training



## Resident Non-Discrimination Policy

includes “sexual orientation” & “gender identity”



## Equal Visitation Policy

includes “visitor of choice” language



## Employment Non-Discrimination Policy

includes “sexual orientation” & “gender identity”



## LGBTQ+ Aging Exec. Briefing

80% of executives complete

# The LEI 2023 Survey Nuts & Bolts

- **Opens late Aug '22 & closes Nov '22**
  - LEI survey in even years; HEI survey in odd
- **Online**
  - Can stop, save progress, and return
- **Tools and resources are free**
  - <https://thelei.org/resources/lei-resource-guide>
- **All participants will be nationally recognized in **May 2023 Report****
  - Searchable database for consumers
  - Can achieve Tier of Recognition (3)



sage | Advocacy &  
Services for  
LGBTQ+ Elders  
**We refuse to be invisible®**

# LONG-TERM CARE EQUALITY INDEX

The LEI Survey Opens  
Aug. - Nov. 2022

Learn more at [www.thelei.org](http://www.thelei.org)



# Resources



# Resources for Inclusivity



## Why the LEI?



### Why the LEI?

Learn about the needs of LGBT older adults and why the LEI is needed.

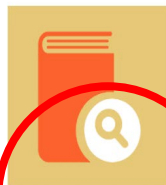
[Learn More](#)



### Participate in the LEI

Take the first step in the LEI by signing the Commitment to Caring Pledge.

[Take the Pledge](#)

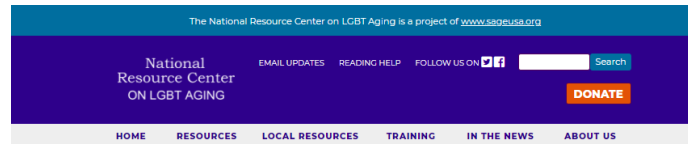


### Find Resources

Find resources to help make your long term care community more LGBT inclusive.

[Find Resources](#)

[TheLEI.org](http://TheLEI.org)



The National Resource Center on LGBT Aging is the country's first and only technical assistance resource center aimed at improving the quality of services and supports offered to lesbian, gay, bisexual and/or transgender older adults.

## Featured Resources



Prepare for COVID-19



A Practical Guide to Creating Welcoming Agencies



A Practical Guide to Collecting Data on Sexual Orientation and Gender Identity



Strengthen Your State and Local Aging Plan

[LGBTAgingCenter.org](http://LGBTAgingCenter.org)

# Consumer Guide for Older Adults



- For those looking for affirming residential long-term care/senior housing
- Screening questions & things to look for when touring
- *English & Spanish*

<https://thelei.org/consumer-guide>

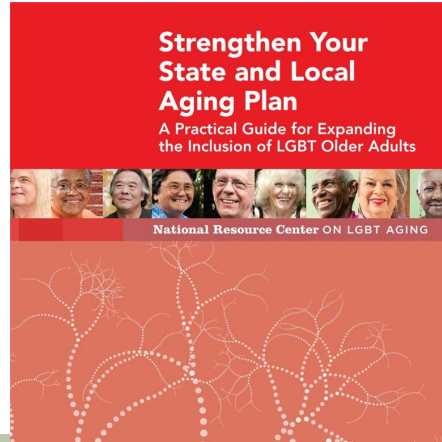
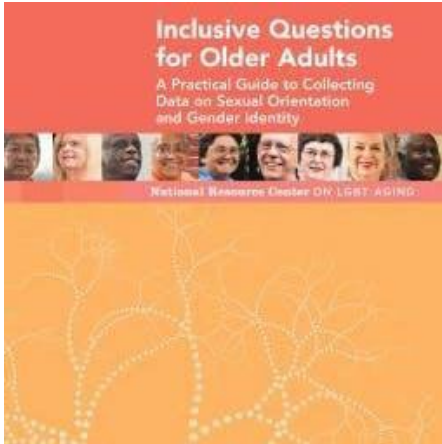
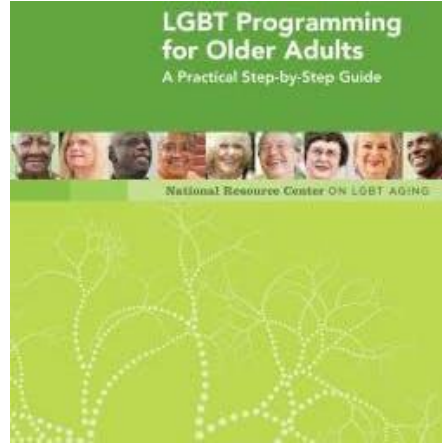
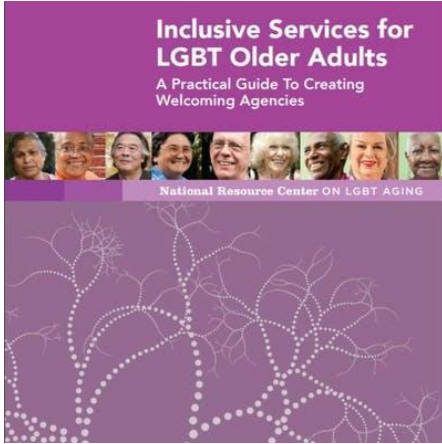


# Supporting the Search for Inclusive Care

- Does the organization have an inclusive non-discrimination policy on their website or marketing materials?
  - “sexual orientation” & “gender identity”
  - Is visitation policy inclusive?
- Has the organization engaged in cultural competence training and provides continuous training?
- What percentage of residents/clients are LGBTQ? Does the organization know? Are there any LGBTQ+ people included in their marketing photos?

Visit [SAGEusa.care](https://SAGEusa.care)





# National Resource Center Guides

- Practical with guidance, examples from the field, and best practices developed by experts in the field

[LGBTAgingCenter.org](https://LGBTAgingCenter.org)

# National Resources for LGBTQ+ Elders



[sageusa.org/sageconnect/](https://sageusa.org/sageconnect/)

**Older?**

**LGBT?**

**Need someone to  
talk to?**

The SAGE Hotline is open 24/7 in English & Spanish:

**877-360-LGBT**

sage | Advocacy & Services for LGBTQ Elders  
We refuse to be invisible





**Sherrill Wayland, MSW**  
*She/They*  
[Swayland@SAGEUSA.org](mailto:Swayland@SAGEUSA.org)

**Dan Stewart, MSG**  
*He/Him*  
[Dan.Stewart@hrc.org](mailto:Dan.Stewart@hrc.org)

**sage** | Advocacy &  
Services for  
LGBTQ+ Elders  
**We refuse to be invisible®**  
[www.sageusa.org/](http://www.sageusa.org/)



**LONG-TERM CARE  
EQUALITY INDEX**  
[www.TheLEI.org](http://www.TheLEI.org)

**sage** | Advocacy &  
Services for  
LGBTQ+ Elders  
**National Resource Center  
on LGBTQ+ Aging**  
[www.lgbtagingcenter.org/](http://www.lgbtagingcenter.org/)








# Resources

# Residents' Rights and the LGBTQ+ Community

## Know YOUR Rights as a Nursing Home Resident

### ► Fact Sheet

### ► <https://ltcombudsman.org/uploads/files/support/lgbt-residents-rights-fact-sheet.pdf>

**Fact Sheet**

### Residents' Rights and the LGBTQ+ Community: Know YOUR Rights as a Nursing Home Resident

The federal 1987 Nursing Home Reform Law requires nursing homes to "protect and promote the rights of each resident" emphasizing individual dignity and self-determination in the provision of long-term care. Every nursing home accepting Medicare and/or Medicaid must meet federal requirements, including those regarding residents' rights.

#### LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER (LGBTQ+) OLDER ADULTS AND LONG-TERM CARE

Current estimates state that 10.1 million Americans identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ+),<sup>1</sup> with 3.8% aged 52 and older individuals identifying as LGBTQ+.<sup>2</sup> One study found that 27% of LGBTQ+ baby boomers had significant concerns about discrimination as they age and there are reports that LGBTQ+ older adults encounter violations of their rights when seeking long-term care services and supports.<sup>3</sup> Incidents of abuse are often unreported or unidentified<sup>4</sup> however, a majority of individuals responding to a survey (578 of the 649 respondents or 89%) felt that staff would discriminate against an LGBTQ+ elder who was out of the closet.<sup>5</sup> Additionally, negative treatment, including verbal and physical harassment, by other residents was the most commonly reported problem by respondents in this study.<sup>6</sup>

I lived in a very rural, conservative state as a lesbian for 25 years and then transitioned from female to male. LGBTQ+ elders in (state withheld by request) are forced to remain hidden, and when placed in long-term care facilities, become even more isolated. I have done training for long-term care staff and administrators in this state, but most feel that there are no LGBTQ+ residents in their facilities. Sean, 51 years old (LGBTQ+ Older Adults in Long-Term Care Facilities: Stories from the Field. <http://www.lgbtagingcenter.org>)

#### KNOW YOUR RIGHTS<sup>6</sup>

Individuals living in nursing homes have the same rights to be free from discrimination and harassment as individuals living in the larger community. In addition, they have rights and protections provided by federal nursing home regulations and state and federal anti-discrimination provisions. The rights of all residents should be honored and respected, regardless of sexual orientation or gender identity or expression. Understanding your rights, learning about ways to solve problems, and knowing how to get help if issues arise is the first step in ensuring quality care. The federal nursing home regulations provide the following resident rights and facility requirements that may be of particular importance to lesbian, gay, bisexual or transgender individuals living in a nursing home. State nursing home regulations and various anti-discrimination laws may provide additional protections (see "Resources" section for link to federal nursing home regulations):

<sup>1</sup> 10 Key Findings about LGBTQ+ Americans: Pew Research Center. <http://www.pewresearch.org/fact-tank/2017/08/13/10-key-findings-about-lgbtq-americans/>  
<sup>2</sup> 10 Key Findings about LGBTQ+ Americans: Pew Research Center. <http://www.pewresearch.org/fact-tank/2017/08/13/10-key-findings-about-lgbtq-americans/>  
<sup>3</sup> Chicago: National Black Leadership Initiative, Center for the Study of Human Rights. (2015). *It's Not Just a Matter of Being Gay: The Impact of Being Gay and Lesbian on Quality of Life*. Retrieved from <http://www.nblri.org/research/quality-of-life/>  
<sup>4</sup> National Center on Elder Abuse. (2015). *Incidents of Abuse in Long-Term Care: A National Survey of Abuse in Long-Term Care Facilities*. Retrieved from <http://www.ncea.org/publications/abuse-in-long-term-care/>  
<sup>5</sup> LGBTQ+ Older Adults in Long-Term Care Facilities: Stories from the Field. Sean, 51 years old. <http://www.lgbtagingcenter.org>  
<sup>6</sup> The same fact sheet and additional resources regarding residents' rights and ensuring the quality long-term care are on the National Consumer Voice for Quality Long-Term Care (Consumer Voice) website. <http://www.consumer-voice.org>

Updated June 2022



# Key Resources

- ▶ NORC LGBTQ+ Elders Resource page
- ▶ <https://ltcombudsman.org/issues/lgbt-elders>

The screenshot displays the website of The National Long-Term Care Ombudsman Resource Center. The header includes the organization's name and a navigation bar for "Specialized Information for:" with tabs for "Nursing Homes", "Assisted Living/Board & Care", and "Home and Community Based Services". The main content area is titled "LGBTQ+ Elders" and features a "Back to Issues" link. Below the title is a list of resources: "NORC Resources", "Additional Resources", "Ombudsman Program Examples", and "Information to Share with Consumers". A section titled "NORC Resources" contains a link to "Residents' Rights and the LGBTQ+ Community: Know Your Rights as a Nursing Home Resident (Updated June 2022)". A sidebar on the left contains links to "Locate an Ombudsman" and "Are You A New Ombudsman?".

**om • buds • man** The National Long-Term Care Ombudsman Resource Center

Specialized Information for:

Nursing Homes Assisted Living/Board & Care Home and Community Based Services

**Locate an Ombudsman**

Locate an Ombudsman, Citizen Advocacy Group and other resources near you

**Are You A New Ombudsman?**

Access resources to get you started!

[← Back to Issues](#)

## LGBTQ+ Elders

- **NORC Resources**
- **Additional Resources**
- **Ombudsman Program Examples**
- **Information to Share with Consumers**

### NORC Resources

**Residents' Rights and the LGBTQ+ Community: Know Your Rights as a Nursing Home Resident** (Updated June 2022)

This factsheet highlights federal residents' rights and nursing home requirements that may be of

# Connect with us!



The National  
**CONSUMER VOICE**  
for Quality Long-Term Care

- 🌐 [theconsumervoice.org](https://theconsumervoice.org)
- ✉️ [info@theconsumervoice.org](mailto:info@theconsumervoice.org)
- f The National Consumer Voice for Quality Long-Term Care
- 🐦 @ConsumerVoices



The National **Long-Term Care**  
**Ombudsman** Resource Center

- 🌐 [ltcombudsman.org](https://ltcombudsman.org)
- ✉️ [ombudcenter@theconsumervoice.org](mailto:ombudcenter@theconsumervoice.org)
- f The National LTC Ombudsman Resource Center
- 🐦 @LTCombudcenter