



Department of Health

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Executive Deputy Commissioner

October 2, 2024

DAL: DAL # DACF 24-29
 DAL # NH 24-17
 DAL # HCBS 24-04

Subject: Affirming Care for Older LGBTQIA+
 Individuals Online Training Module for Direct
 Support Caregivers

Dear Nursing Home Administrators, Adult Care Facility Administrators, Hospice Providers, and Home Care Administrators:

As communicated through previously issued [Dear Administrator Letter NH #24-09/ACF 24-19](#), New York State Public Health Law 2803-c-2, effective May 28, 2024, affirmed the rights afforded to residents of Nursing Homes and Adult Care Facilities not to be discriminated against on the basis of the residents' actual or perceived sex, sexual orientation, gender identity or expression, or human immunodeficiency virus (HIV) status. In addition, New York State Public Health Law 2803-c-2(7), and Laws of 2022, Chapter 737, as amended by Laws of 2023, Chapter 81, require that:

- At least once every two (2) years, the facility ensure that every facility staff member who works directly with residents receives cultural competency training that focuses on residents who identify as lesbian, gay, bisexual, or transgender, and residents living with HIV; and
- Such training be developed by the Department of Health ("Department"); and
- Facility staff required to receive this training will receive the training within six (6) months of hire unless they provide proof of having received comparable training within the prior two (2) years that the facility determines to be compliant with the requirements of this law.

The requisite cultural competency training has been developed at a literacy level that complies with requirements of Title 10 of New York Codes, Rules and Regulations § 415.26 and is available on the New York Learns Public Health Learning Management System at <https://www.nylearnsph.com/Public/Default.aspx>. Once registered, learners may locate Course #OALTC-603 under the Course and Program Catalog by conducting a Catalog Query and typing "Affirming" in the search function. After the course is completed, the registered user will receive a confirmation certificate that should be retained.

Some facilities may prefer to update their existing cultural competency training curriculum to comply with the requirements of this law and/or make otherwise available the content provided by the Department as described herein. In those cases, the facility is responsible to demonstrate acceptable compliance upon request of the Department or its agents or other regulatory office or its agents. Enclosed is a checklist for providers who elect this pathway. The checklist will help to confirm that required elements are included.

If you have any questions, please write to the Division of Residential Support at ltcresidentialsurveysupport@health.ny.gov.

Sincerely,

Kristen M. Pergolino, Director
Division of Residential Support
Center for Residential Surveillance
Office of Aging and Long-Term Care

Enclosure

cc: V. Deetz
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Department of Health

Division of Residential Support
Center for Residential
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Please refer to Laws of 2022, Chapter 737, as amended by Laws of 2023, Chapter 81, relating to requiring home health aides and nurse aides to receive training in working with patients of diverse sexual orientations and gender identities or expressions.

The training required by this act should include the following components and information:

- An explanation of the terms lesbian, gay, bisexual, queer, questioning, intersex, asexual, gender non-conforming, and non-binary.
- An understanding of why patients with diverse sexual orientations and gender identities or expressions may hide their identities.
- Incorporate concerns of patients with diverse sexual orientations and gender identities or expressions into person-directed care, so that each individual can make the best decisions for their own situation.
- Specific information designed for staff working in nursing care or other residential care settings.
- Unique needs of patients with diverse sexual orientations and gender identities or expressions, including older adults.
- An overview of the various rights and protections for patients with diverse sexual orientations and gender identities or expressions.
- Best practices for creating communities welcoming to patients with diverse sexual orientations and gender identities or expressions including older adults, their loved ones, and their caregivers.
- Practical tips from experts about how to ask questions related to sexual orientation and gender identity or expression and understand why these questions are important for all service organizations.
- Teach the nuances of asking questions related to sexual orientation and gender identity or expression, including older adults.
- How to respectfully respond to questions and concerns that arise in conversations relating to sexual orientation and gender identity or expression.
- Best practices for providing affirming care to patients with diverse sexual orientations and gender identities or expressions.