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Services Agency
**California Department of
Public Health**



EDMUND G. BROWN JR.
Governor

May 25, 2018

AFL 18-21

TO: Congregate Living Health Facilities
Skilled Nursing Facilities

SUBJECT: Lesbian, Gay, Bisexual, and Transgender (LGBT) Training Requirements

AUTHORITY: Title 22 California Code of Regulations (CCR) section 72517

All Facilities Letter (AFL) Summary

- This AFL informs congregate living health facilities (CLHFs) and skilled nursing facilities (SNFs) of the amendment to Title 22 CCR section 72517, effective October 30, 2017, that requires LGBT training for facility staff.
- The amendment adds subsection (c) to require each registered nurse, licensed vocational nurse, certified nurse assistant, and medical director employed by the facility to receive training designed to eliminate and prevent discrimination based on actual or perceived sexual orientation, gender identity, and gender expression.
- CLHFs and SNFs must comply with Title 22 CCR section 72517(c) by August 1, 2018.

No later than August 1, 2018, each facility must comply with the updated LGBT training requirements. The facility must provide LGBT training to required staff at least once every two years. Required staff must receive LGBT training within six months of hire unless the person provides proof of training completion within the prior two years. If the facility accepts a person's proof of prior training, the facility must keep a record of the prior training's content on site at the facility.

For LGBT and all other staff training programs, the facility must maintain records of each staff developmental program that includes the name and title of presenter, date of presentation, title of subject presented, description of content, and the signatures of those attending.

LGBT Training Content

At a minimum, the required LGBT training must address the following:

- Definitions of common terms and examples associated with sexual orientation, gender identity, and gender expression;
- Methods of communicating with or about LGBT individuals;
- The health and social challenges historically faced by older LGBT persons, including discrimination in the health care setting;
- The importance of professionalism in the medical settings and the way caretaker attitudes affect health care access and participation and overall physical and mental health outcomes;
- Methods to create a safe and affirming environment, the legal and professional obligation to treat all patients in a nondiscriminatory manner, and the penalties for failing to meet legal and professional standards; and
- Legal issues relating to LGBT persons, including but not limited to patients' rights, civil rights, marriage and domestic partnership laws, and the Nursing Home Reform Act.

LGBT Training Method

The LGBT training must:

- Be taught by an entity with expertise in identifying and addressing the legal and social challenges faced by LGBT persons as they age and those faced by LGBT persons who reside in long-term care facilities; and
- Be in-person or an internet-based training.

In-person training requires proof of participant attendance in the form of a certificate signed by the participant and the participant's supervisor. Internet-based training requires the following:

- Controls to ensure that the participant completes the full training;
- The use of a personal identification number or personal identification information that confirms the participant's identity; and
- A final screen displaying a printable statement, signed by the participant and the participant's supervisor, certifying that the identified participant completed the identified training.

Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility to follow all laws and regulations. Facilities should refer to the full text of all applicable sections of the Health and Safety Code and Title 22 CCR.

If you have questions about the content of this AFL, please contact your local district office.

Sincerely,

Original signed by Jean Iacino

Jean Iacino
Deputy Director

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