

March 21, 2023

Senate Committee on Human Services
Oregon State Legislature
Salem, Oregon

**RE: Support SB 99 with the -2 Amendment
The LGBTQIA2S+ Bill of Rights for Older Adults**

Chair Gelser Blouin, Vice Chair Robinson, and members of the committee,

SAGE would like to express our deeply held support for the proposed amendments to SB 99 to establish a Commission on LGBTQIA2S+ and a Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long-Term Care Facilities. As the nation's oldest and largest organization advocating for LGBTQ+ older adults, we sincerely appreciate opportunity to submit testimony.

The proposed amendments to SB 99 would clarify and protect the rights of LGBTQ+ older people and older people living with HIV in Oregon's long-term care facilities and establish a Commission on LGBTQIA2S+ Older Adults. LGBTQ+ elders and older people living with HIV suffer very high rates of social isolation and are less able to access informal caregiving. Data has shown that LGBTQ+ elders are two times more likely to live alone and four times less likely to have children than their heterosexual peers. Additionally, they are often aging at the same time as their self-made support systems making it very difficult to age successfully in their homes and communities. This means that LGBTQ+ older people and people aging with HIV are more likely to rely on long-term care but at the same time, are often discriminated against within these facilities or simply denied entry.¹

The LGBTQ+ Bill of Rights was developed as an outcome from the [2021 Oregon LGBTQ+ Older Adult Survey](#) and through extensive input by stakeholders, consumers, individuals with lived experience and individuals who identify with this community. Survey findings include:

- 60% of survey participant experienced discrimination within the last year
- Rates of discrimination were notably higher among people of color (up to 94%)
- 21% of participants in survey do not disclose their sexual or gender identity to healthcare, aging or other service providers
- 24% of LGBTQ+ older adults participants have experienced abuse in past year and 76% did not report it to the authorities²

This bill would help address the common issues faced by many LGBTQ+ and HIV-affected older people in long-term care facilities by requiring training for staff who interact with residents on the best practices for caring for LGBTQ+ and/or HIV-positive residents. It also will build upon the existing protections against discrimination found in Oregon's Human

¹ SAGE, MAP. (2017). *Understanding LGBT Older Adults*. Washington, D.C. <https://www.sageusa.org/wp-content/uploads/2018/05/sageusa-understanding-issues-facing-lgbt-older-adults.pdf>

² : Fredriksen Goldsen, K., Kim, H.-J., Jung, H. H., Davis, A. & Emllet, C.A. (2021). *Oregon LGBTQ+ Older Adult Survey Report*. Seattle, WA: Goldsen Institute. <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/Documents/2021-OR-LGBTQ-Older-Adult-Report.pdf>

Rights Law to prohibit specific actions and inaction in long-term care facilities and their staff. These actions include denying admission, transferring/denying a transfer, or discharging or evicting a resident wholly or partially based on a resident's actual or perceived sexual orientation, gender identity or expression, or HIV status. The Bill of Rights also establishes recordkeeping procedures for residents' specified gender identity, name and pronoun; requires the protection of residents' personally identifiable information and bodily privacy; and protects residents' rights to wear or dress in clothing permitted for other residents, be referred to by a preferred name and pronoun and use restrooms available to other persons of the same gender identity.

The inclusion of barring discrimination on the bases of real or perceived HIV status is essential to support Oregon's aging population. HIV stigma and discrimination is a very real and ongoing problem within long-term care facilities. There are reports dating back to the 1990s documenting the discrimination faced by elders in these settings and little progress has happened since. What has changed is that there is now a rapidly growing population of Oregon aging with HIV. According to the latest CDC Surveillance Report from 2017, nearly 50 percent of people living with HIV in the United States are 50 or older.³ By 2030, it is projected that 70% of people living with HIV will be over the age of 50.⁴ The pronounced health needs of long-term survivors mean that Oregon in this growing demographic of HIV-affected elders are more likely to rely on long-term care settings as they age. SB 99 will ensure that they can receive the care they need with less fear of stigma.

LGBTQ+ older people need to rely more heavily on community service providers for care as they age because they are far more likely to live alone and less likely to rely on adult children or other family members for informal caregiving. At the same time, they're often distrustful of mainstream providers because of a long history of compounding discrimination.⁵

In a recent case out of Nebraska, where a daughter was looking for a nursing home to care for her father, who lives with HIV and Alzheimer's. A total of six different facilities denied him entry. Staff at one facility told her that they couldn't take him because they didn't have the right air system for someone with HIV. Five more facilities denied him entry because he had HIV. At one point his daughter was told by one staff member to just drop him off at the hospital because there is no way for a nursing home to provide him care.⁶

In Maine, a 79-year-old transgender woman was hospitalized in March 2021. She worked with a hospital social worker to identify a place to live after her hospitalization, finding a facility that advertised "semi-private rooms" where female residents would be placed with female roommates. However, after learning that she was transgender, an administrator

³ Centers for Disease Control and Prevention. *HIV Surveillance Report*, 2017; vol. 29.

<http://www.cdc.gov/hiv/library/reports/hiv-surveillance.html>. Published November 2018.

⁴ Centers for Disease Control and Prevention. *HIV Surveillance Report*, 2017; vol. 29.

<http://www.cdc.gov/hiv/library/reports/hiv-surveillance.html>. Published November 2018.

⁵ Brian de Vries and Gloria Gutman. (2016). *End-of-Life Preparations Among LGBT Older Adults*. *Generations: Journal of the American Society on Aging* 40, no. 2.

⁶ Poz Magazine. (2016). *6 Nursing Homes Accused of HIV Discrimination*. Poz Magazine. <https://www.poz.com/article/6-nursing-homes-accused-hiv-discrimination>

at the facility declined her due to the concern that she wanted to reside in a room with a female roommate. These are not isolated events.⁷

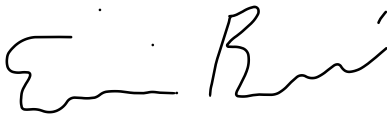
In Colorado, a transgender woman was denied entry at several rehabilitation facilities because they refused to provide her with a female roommate and Medicare does not pay for single-occupancy rooms. In Illinois, an older lesbian was subjected to a pattern of discrimination and harassment because of her sexual orientation, taunted for her relationship with her deceased wife and their child, bullied, threatened with bodily harm, and physical violence. Despite her many complaints to staff, little was done to ensure she lived in her home in peace.⁸

While Oregon's Human Rights law includes non-discrimination protections including, based on gender identity and sexual orientation, long-term care facilities and their staff are not always clear on how to provide respectful and appropriate care to LGBTQ+ older people. Issuing clear and accessible guidance under SB 99 would ensure that the provider and their staff are trained in the needs of LGBTQ+ older adults and older adults living with HIV and arm LGBTQ+ residents with a strong tool for self-advocacy if the guidance is not being followed.

SAGE strongly supports SB 99 with the -2 Amendments, which is needed to address the unacceptable experiences of discrimination against, and lack of access to competent and affirming care for, LGBTQ+ and HIV-affected elders in long-term care facilities. This vital legislation will help ensure that LGBTQ+ and HIV-affected elders in Oregon receive the support and protection they need and deserve, whether in their homes or in care facilities.

We urge the Health and Human Services Committee to work with SAGE and aging partners to review the details, bring the bill to the floor, and pass this important legislation. All Oregonians deserve support and respect, regardless of age.

Thank you,



Emma Bessire
Manager for Civic Engagement, SAGE
ebessire@sageusa.org

⁷ GLAD. (2021). *King v. Sunrise Assisted Living*. Boston, MA: GLAD. <https://www.glad.org/cases/king-v-sunrise/>

⁸ Lambda Legal. (2018). *Wetzel v. Glen St. Andrew Living Community*. New York, NY: Lambda Legal. https://legacy.lambdalegal.org/in-court/cases/il_wetzel-v-glen-st-andrew.