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Bill: HB1010
Title: Health Care Facilities – Discrimination (LGBTQ Senior Bill of Rights)
Date: March 5, 2020
Committee: Health and Government Operations
Position: Support

To the Honorable Shane E. Pendergrass and Esteemed Members of the Committee:

FreeState Justice is Maryland’s lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQ Marylanders facing discrimination. We strive to create an equitable Maryland where LGBTQ Marylanders can live full lives with dignity and respect in all spaces.

LGBTQ elders who reside in long-term care facilities, including nursing facilities, immediate care facilities, and residential care facilities for the elderly, often face discrimination and harassment. In 2015, the National Senior Citizens Law Center published a national study titled “Stories from the Field: LGBT Older Adults in Long-Term Care Facilities.” They determined that systematic discrimination significantly impacts the wellbeing and dignity of LGBTQ elders in long-term care facilities. This discrimination manifests as verbal or physical harassment by residents and staff, staff refusal to accept medical power of attorney, staff refusal to refer to transgender residents by their preferred name or pronoun, staff refusal to provide basic services or care, and abrupt discharge or refusal to admit because of LGBTQ bias.

In FreeState Justice’s house meetings, LGBTQ elders recounted their own experiences of discrimination in Maryland nursing homes, including fear that same-sex married couples may not be allowed to reside together and fear of experiencing disrespect and marginalization because of a lack of non-discrimination protections and lack of training for health care staff. For example, one participant who resides in a long-term care facility had asked for LGBTQ+ programming but was refused it because “it might offend others.” He did not feel comfortable or safe speaking out against this bias because he feared losing his placement.

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The right to live in security with respect and dignity are rights that LGBTQ people should access at every stage and in every area of life. This bill provides essential non-discrimination protections that ensure LGBTQ+ elders can live without fear of discrimination and marginalization.

We strongly support this legislation and urge you to vote favorably.

Sincerely,

Mark A. Procopio
Executive Director