

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL:** May have fiscal impact, statement not yet issued**SUBSEQUENT REFERRAL TO:** None**Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 2/17, 3/31, 4/21

WHAT THE MEASURE DOES: Requires Department of Human Services (DHS) establish procedure for resident of licensed long-term care, retirement, or residential facility to request gender of individual assigned to assist with activities of daily living. Requires facility honor request except in case of significant difficulty or cost. Requires written explanation and documentation of rationale for denial. Requires DHS establish complaint procedure for failures to comply. Requires DHS investigate each complaint and provide written report to resident and facility within seven days of completion.

ISSUES DISCUSSED:

- Purpose and role of DHS' licensing division
- Importance of gender-appropriate, intimate care
- Respect for patient dignity and modesty

EFFECT OF COMMITTEE AMENDMENT:

[-3 amendments] Makes requirements applicable to continuing care retirement communities only. Modifies complaint procedure to require response within 14 days, completion of investigation within 90, and a written report.

[-6 amendment] Duplicate of -3 except language permitting provider to refuse to comply with resident request is relaxed slightly.

BACKGROUND: Residents in long-term care facilities may need assistance with a number of activities of daily living, including the most intimate, such as toileting, bathing, dressing, grooming and personal hygiene. It is crucial for care givers to be sensitive to the modesty, comfort levels, boundaries, and preferences of their patients in the delivery of such intimate care. Senate Bill 307 requires facilities to respect resident's requests for assistance from qualified persons of the same gender.