

Ensuring the Rights of LGBTQIA2S+ Adults and People Living with HIV in Long-Term Care Settings

Everyone deserves the opportunity to age with dignity, to be safe and protected from harm, and to access the services they need. A statewide study reinforced that older LGBTQIA2S+ adults who have experienced some form of abuse often don't report it. The risk of abuse is even higher for older LGBTQIA2S+ adults who are people of color, living with lower incomes, and/or living with HIV.

In January 2024, a new law took effect in Oregon (after passage in 2023 of Senate Bill 99) that protects the rights of LGBTQIA2S+ people and/or those living with HIV in places like nursing, assisted living and residential care facilities, and adult foster care homes. The law requires that every person is treated fairly, with dignity and respect.



OREGON DEPARTMENT OF
Human Services

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Rights now required by law

Nondiscrimination Care facilities cannot refuse to accept, remove, or treat someone unfairly because of their sexual orientation, gender identity, gender expression or HIV status. Licensed providers must clearly state in their policies and materials that they treat all residents fairly.

Privacy and confidentiality A resident's gender identity, sexual orientation or HIV status must be kept private unless they choose to share it.

Resident rights and protections Residents have the right to:

- Pick their roommates.
- Use the name and pronouns they prefer.
- Wear clothes that match their chosen gender identity.
- Access medical care they require, including services related to their gender.
- Use restrooms and spaces where they feel comfortable and may associate with the people of their choosing.

Providing inclusive care: A training for all staff

Making sure every resident is safe, valued and respected is at the heart of quality care. To support this, all care provider staff are required to complete the “Providing Inclusive Care” training.

This program helps staff understand the unique challenges faced by LGBTQIA2S+ residents and/or those living with HIV, while giving them practical tools to create a welcoming, inclusive environment.

The training gives insight into respectful communication, inclusive terminology, and strategies to prevent discrimination, fostering a culture of dignity and respect for everyone.

Reporting rights violations

Older adults (over the age of 65) who are LGBTQIA2S+ and people living with HIV in a long-term care setting—and those who provide them with care—should understand the law.

This awareness helps people to identify, report and resolve rights violations. Licensed care providers that violate residents' rights may face civil penalties or other administrative action.

Reporting by: **Mandatory reporters**

If a person is hurt or is in **immediate danger**, **call 911**.

If you know or suspect that someone has been abused in a long-term care setting, mandatory reporters are required to report it to the Oregon Department of Human Services Adult Protective Services (APS) program.

Abuse of an older LGBTQIA2S+ adult can include discrimination or keeping them away from supportive communities.

Suspected abuse can be reported by calling: **855-503-SAFE (7233)**

If the issue involves a potential violation of licensing regulations or standards of care, contact the appropriate licensing team. Licensed long-term care providers are required to have proper staffing, follow safe medication practices, follow guidelines for cleanliness and quality of care, and respect residents' rights to dignity and respect.

If you think a facility isn't following these requirements, report it to the appropriate regulatory team. Report suspected regulatory violations to the team for the care setting:

Adult Foster Homes	866-449-1250 APD.AFHteam@odhs.oregon.gov
Residential Care/ Assisted Living	844-503-4773 licensing.complaint@odhs.oregon.gov
Nursing Facilities	877-280-4555 NF.licensing@odhs.oregon.gov

Reporting by:

An adult who is LGBTQIA2S+ and/or a person living with HIV in a long-term care setting

(or by their friends or relatives)

If you or someone you know has been **injured** or is in **immediate danger**, **call 911**.

If you or someone you know has **experienced abuse** in a long-term care setting, please report the incident(s) to the Oregon Department of Human Services Adult Protective Services (APS). Mandatory reporters are required by law to report these instances.

Call: **855-503-SAFE (7233)**

As a resident, you have the right to choose where to direct complaints.

If the issue involves a **potential violation of state regulations or standards of care**, contact the appropriate licensing team:

Adult Foster Homes	866-449-1250 APD.AFHteam@odhs.oregon.gov
Residential Care/ Assisted Living	844-503-4773 licensing.complaint@odhsoha.oregon.gov
Nursing Facilities	877-280-4555 NF.licensing@odhs.oregon.gov

Reporting your privacy

State law protects your confidentiality and keeps your information private when you report rights violations. You do not have to give your name if you want to stay anonymous.

If you do identify yourself in making the report, your name and identity will not be shared unless you give permission or if the law requires it (for example, if there is a crime or a judge orders it).

What happens after reporting abuse

Local Aging and People with Disabilities offices, which include county offices that provide ODHS services:

- Determine if the report meets investigation criteria.
- Offer protective services.
- Investigate possible abuse and determine a finding of abuse if it occurred.
- Determine if abuse or neglect occurred.
- Work with law enforcement if a crime may have occurred.

Additional Support:

You can get this document in other languages, large print, braille or any format you prefer. Contact Aging and People with Disabilities at 503-945-5811 or 1-800-282-8096 or email CentralAPS@odhs.oregon.gov. We accept all relay calls, or you can dial 711.

Adult Protective Services are available regardless of income, religion, gender identity, sexual orientation, race, national origin, heritage, immigration or any other status. APS responds to all reports made to local offices about eligible adults who may be experiencing abuse, self-neglect or other safety concerns in Oregon.