

MDS Alert

Reader Questions: Respect Residents' Pronouns

Question: I heard recently that there was a 2017 law in California where nursing home employees could be jailed if they deliberately misgendered a resident. Is this true?

Nebraska Subscriber

Answer: While it is no longer illegal in California to deliberately misgender a resident or call them by the wrong name, respecting a resident's rights - including their gender identity - is a basic tenant of patient-centered care.



Background: In 2017 the, California Legislature enacted Senate Bill No. 219 (2017-2018 Reg. Sess.), which added to the Health and Safety Code the Lesbian, Gay, Bisexual, and Transgender (LGBT) Long-Term Care Facility Residents' Bill of Rights, which prohibited "staff members of long-term care facilities from willfully and repeatedly referring to a facility resident by other than the resident's preferred name or pronoun when clearly informed of the name and pronoun," according to the published decision of the third appellate district court of California. The court struck down the law, saying it violated the free speech of employees.

However, surveyors are instructed specifically to check that facilities are acknowledging and respecting residents' pronouns. The State Operations Manual (SOM) Appendix PP says "staff should address residents with the name or pronoun of the resident's choice" in the guidance for Ftag F550 Resident Rights.