

The Senate Health and Human Services Committee offered the following substitute to HB 318:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to  
2 services for the aging, so as to enact the "Adult Day Center for Aging Adults Licensure Act";  
3 to provide a short title; to define terms; to provide for licensure of adult day centers; to  
4 authorize the Department of Human Resources to promulgate regulations for the operation  
5 of adult day centers; to authorize the Department of Human Resources to issue and revoke  
6 licenses of adult day centers; to provide access to adult day centers for the Department of  
7 Human Resources for the purpose of inspection and investigation; to provide for exemptions  
8 from inspections; to provide for related matters; to provide for effective dates; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

11 Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the  
12 aging, is amended by adding after Code Section 49-6-77, relating to rules and regulations to  
13 implement Georgia Family Caregiver Support, a new article to read as follows:  
14

"ARTICLE 7

15  
16 49-6-80.

17 This article shall be known and may be cited as the 'Adult Day Center for Aging Adults  
18 Licensure Act.'

19 49-6-81.

20 The intent of the General Assembly is to promote, safeguard, and protect the well-being  
21 of adults participating in adult day care or adult day health services by authorizing,  
22 promoting, and supporting licensure regulations for adult day care and adult day health  
23 services providers. It is further the intent of the General Assembly that the Department of

1 Human Resources shall serve as the agency responsible for promulgating, implementing,  
2 and enforcing the licensure regulations.

3 49-6-82.

4 As used in this article, the term:

5 (1) 'Adult day care' means the provision of a comprehensive plan of services that meets  
6 the needs of aging adults, as defined in paragraph (4) of this Code section, under a social  
7 model, as defined in paragraph (7) of this Code section.

8 (2) 'Adult day center' means a facility serving aging adults that provides adult day care  
9 or adult day health services, as defined in paragraphs (1) and (3) of this Code section, for  
10 compensation, to three or more persons; provided, however, such facility shall not mean  
11 an institution or medical facility otherwise licensed under Title 31 that also provides adult  
12 day care services.

13 (3) 'Adult day health services' means the provision of a comprehensive plan of services  
14 that meets the needs of aging adults under a medical model, as defined in paragraph (6)  
15 of this Code section.

16 (4) 'Aging adults' means persons 60 years of age or older or mature adults below the age  
17 of 60 whose needs and interests are substantially similar to persons 60 years of age or  
18 older who have physical or mental limitations that restrict their abilities to perform the  
19 normal activities of daily living and impede independent living.

20 (5) 'Department' means the Department of Human Resources.

21 (6) 'Medical model' means a comprehensive program that provides aging adults with the  
22 basic social, rehabilitative, health, and personal care services needed to sustain essential  
23 activities of daily living and to restore or maintain optimal capacity for self-care. Such  
24 program of care shall be based on individual plans of care and shall be provided for less  
25 than 24 hours per day.

26 (7) 'Social model' means a program that addresses primarily the basic social and  
27 recreational activities needed to be provided to aging adults, but also provides, as  
28 required, limited personal care assistance, supervision, or assistance essential for  
29 sustaining the activities of daily living. Such programs of care shall be based on  
30 individual plans of care and shall be provided for less than 24 hours per day.

31 49-6-83.

32 No person, business entity, corporation, or association, whether operated for profit or not  
33 for profit, shall operate an adult day center without first obtaining a license or a provisional  
34 license from the department. A license issued under this article shall not be assignable or  
35 transferable.

1 49-6-84.

2 The department is authorized to promulgate rules and regulations to implement this article  
3 utilizing the public rule-making process to elicit input from consumers, providers, and  
4 advocates. The department is further authorized to issue, deny, suspend, or revoke licenses  
5 or take other enforcement actions against licensees or applicants as provided in Code  
6 Section 31-2-6. All rules and regulations and any enforcement actions initiated by the  
7 department shall comply with the requirements of Chapter 13 of Title 50, the 'Georgia  
8 Administrative Procedure Act.'

9 49-6-85.

10 An adult day center for which an application for a license has been submitted or to which  
11 a license has been issued shall be inspected by the department periodically and as  
12 determined necessary to monitor such center's compliance with applicable laws and  
13 regulations; provided, however, the department may exempt a center from inspection if  
14 such center has been certified or accredited by a certification or accreditation entity  
15 recognized and approved by the department if such entity uses standards that are  
16 substantially similar to those established by the department. A center seeking exemption  
17 from inspection shall be required to submit to the department documentation of  
18 certification or accreditation, including a copy of its most recent certificaion or  
19 accreditation inspection report, which shall be maintained by the department as a public  
20 record."

## 21 SECTION 2.

22 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department  
23 of Human Resources, is amended by striking subsection (a) of Code Section 31-2-6,  
24 relating to actions against applicants or licensees regulated under Chapters 7, 13, 22, and  
25 23 of this title and Chapter 5 of Title 49, and inserting in its place the following:

26 "(a) This Code section shall be applicable to any agency, center, facility, institution, or  
27 entity subject to regulation by the department under Chapters 7, 13, 22, 23, and 44 of this  
28 title and Chapter 5 and Article 7 of Chapter 6 of Title 49. For purposes of this Code  
29 section, the term 'license' shall be used to refer to any license, permit, registration, or  
30 commission issued by the department pursuant to the provisions of the law cited in this  
31 subsection."

## 32 SECTION 3.

33 (a) For purposes of promulgating rules and regulations only, the Sections 1 and 2 of this Act  
34 shall become effective only if funds are specifically appropriated for the purposes of this Act

1 in an appropriations Act making specific reference to this Act and shall become effective  
2 when funds so appropriated become available for expenditure.

3 (b) For all other purposes, Sections 1 and 2 of this Act shall become effective July 1 of the  
4 fiscal year following the year in which funds are specifically appropriated for the purposes  
5 of this Act in an appropriations Act making specific reference to this Act and shall become  
6 effective when funds so appropriated become available for expenditure.

7 (c) This section and Section 4 of this Act shall become effective July 1, 2003.

8 **SECTION 4.**

9 All laws and parts of laws in conflict with this Act are repealed.