

House Bill 394

By: Representatives Walker of the 107th, Willard of the 49th, and O'Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the
2 protection of disabled adults and elder persons, so as to revise a definition; to revise certain
3 provisions relating to investigation of reports of need for protective services; to amend Code
4 Section 31-8-116 of the Official Code of Georgia Annotated, relating to involuntary transfer
5 of residents discharged from a facility and return to facility after transfer, so as to revise the
6 notification provisions; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the protection
11 of disabled adults and elder persons, is amended by striking paragraph (5) of Code Section
12 30-5-3, relating to definitions, and inserting in its place the following:

13 "(5) 'Director' means the director of the ~~county department of family and children~~
14 ~~services~~ Division of Aging Services of the Department of Human Resources, or the
15 director's designee, ~~in the county in which the disabled adult or elder person resides or~~
16 ~~is present."~~

17 **SECTION 2.**

18 Said chapter is further amended by striking subsections (a) and (h) of Code Section 30-5-5,
19 relating to investigation of reports of need for protective services, and inserting in their
20 respective places the following:

21 "(a) ~~Any director receiving~~ When the director receives a report that a disabled adult or
22 elder person is in need of protective services, he or she shall conduct or have conducted a
23 prompt and thorough investigation to determine whether the disabled adult or elder person
24 is in need of protective services and what services are needed. The investigation shall
25 include a visit to the person and consultation with others having knowledge of the facts of

1 the particular case. Within ten days after receipt of the report, the director shall
2 acknowledge receipt of the report, in writing, to the person making the report."

3 "(h) Notwithstanding any other provisions of this Code section, if ~~any~~ the director or adult
4 protection agency employee receives a report or gains knowledge that a disabled adult or
5 elder person is in need of protective services and such disabled adult or elder person may
6 be in imminent danger resulting from abuse, exploitation, or neglect, the director or
7 designee of the director may file a petition with the probate or superior court stating the
8 grounds on which the director or designee of the director believes that the disabled adult
9 or elder person may be in imminent danger and seeking immediate access to such person.
10 The judge, in his or her discretion, may issue an ex parte order requiring the caretaker or
11 any other person at the place where the disabled adult or elder person resides to afford an
12 adult protection agency employee immediate access to such person to determine the
13 person's well-being. If the adult protection agency employee is denied access to the
14 disabled adult or elder person, the employee shall contact immediately a law enforcement
15 officer to assist the employee in enforcing such order. Any person willfully violating any
16 order issued pursuant to this subsection shall be in contempt of the court issuing such order
17 and may be punished accordingly by the judge of the court. The adult protection agency
18 employee shall conduct a brief investigation to determine the condition of the disabled
19 adult or elder person."

20 SECTION 3.

21 Code Section 31-8-116 of the Official Code of Georgia Annotated, relating to involuntary
22 transfer of residents discharged from a facility and return to facility after transfer, is amended
23 by striking subsection (g) and inserting in its place the following:

24 "(g) Each resident shall be discharged from a facility after the resident or guardian gives
25 the administrator or person in charge of the facility notice of the resident's desire to be
26 discharged and the date of the expected departure. Where the resident appears to be
27 incapable of living independently of the facility, the facility shall notify the ~~county~~
28 ~~department of family and children services~~ Department of Human Resources in order to
29 obtain social or protective assistance for the resident immediately. The notice of the
30 discharge by the resident or guardian, the expected and actual date thereof, and notice to
31 the department, where required, shall be documented in the resident's records. Upon such
32 discharge and, if required, notice to the department, the facility is relieved from any further
33 responsibility for the resident's care, safety, or well-being."

34 SECTION 4.

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