

Senate Bill 181

By: Senators Hamrick of the 30th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,  
2 relating to death investigations, so as to enact the "Nursing Home Accountability Act of  
3 2005"; to add a certain definition; to provide notice of certain deaths; to provide for penalties  
4 for failure to provide notice; to authorize the coroner or county medical examiner to order  
5 an inquiry; to provide for related matters; to provide an effective date; to repeal conflicting  
6 laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Nursing Home Accountability Act of  
10 2005."

11 **SECTION 2.**

12 Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to  
13 death investigations, is amended by inserting in Code Section 45-16-21, relating to  
14 definitions, a new paragraph (1.2) to immediately follow paragraph (1.1) to read as follows:

15 "(1.2) 'Compensated care' means services provided by a home health agency as defined  
16 in paragraph (2) of Code Section 31-7-150; a private home care provider as defined in  
17 paragraph (4) of Code Section 31-7-300; a long-term care facility as defined in paragraph  
18 (2) of Code Section 31-8-51; or any community living arrangement as defined in  
19 paragraph (16) of subsection (b) of Code Section 37-1-20."

20 **SECTION 3.**

21 Said article is further amended by adding after Code Section 45-16-24, relating to  
22 notification of suspicious or unusual deaths, a new Code section to read as follows:

1 "45-16-24.1.

2 (a) When any person dies in any county in this state while receiving compensated care or  
3 within 30 days of having received such care, whether attended by a physician or not, it  
4 shall be the duty of any law enforcement officer, agent of a licensed facility, or other  
5 person having actual knowledge of such death to notify immediately the coroner or county  
6 medical examiner of the county where the body is found or death occurs. In addition to any  
7 other penalties that may be levied, failure to comply with the provisions of this Code  
8 section by any facility or entity licensed by the Department of Human Resources or by any  
9 person enumerated in Code Section 30-5-4 who is licensed by the State of Georgia shall  
10 be considered to be in violation of the applicable licensing requirements if such facility,  
11 entity, or person had actual knowledge that the person died while receiving compensated  
12 care or within 30 days of having received such care. Notwithstanding Code Section  
13 47-16-47 or any other law to the contrary, no licensed facility, agent of such facility, or  
14 other person shall be subject to a penalty for violating this Code section unless such  
15 facility, agent, or person had actual knowledge that the person died while receiving  
16 compensated care or within 30 days of having received such care.

17 (b) Notwithstanding any other law to the contrary, upon notification of a death in  
18 accordance with subsection (a) of this Code section, the coroner or county medical  
19 examiner is authorized, but not required, to order a medical examiner's inquiry into such  
20 death.

21 (c) Nothing in this Code section shall be construed to require a coroner or county medical  
22 examiner to transport or store a body or any property of the deceased.

23 (d) When a coroner or county medical examiner investigates a death reported in  
24 accordance with this Code section, the compensated care provider shall provide all of the  
25 provider's records regarding the deceased to the coroner or county medical examiner no  
26 later than 24 hours after such a request for records."

27 **SECTION 4.**

28 This Act shall become effective on July 1, 2005.

29 **SECTION 5.**

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