

House Bill 1021

By: Representatives Golick of the 34th and Cooper of the 41st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to
2 continuing care providers and facilities, so as to provide a certain definition; to provide for
3 a separate disclosure addendum to the continuing care agreement of the status of the facility's
4 liability insurance policy; to provide for related matters; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 45 of Title 33 of the Official Code of Georgia Annotated, relating to continuing care
9 providers and facilities, is amended by revising Code Section 33-45-1, relating to definitions,
10 as follows:

11 "33-45-1.

12 As used in this chapter, the term:

13 (1) 'Continuing care' or 'care' means furnishing pursuant to an agreement shelter, food,
14 and either nursing care or personal services, whether such nursing care or personal
15 services are provided in the facility or in another setting designated by the agreement for
16 continuing care, to an individual not related by consanguinity or affinity to the provider
17 furnishing such care upon payment of an entrance fee. Other personal services provided
18 shall be designated in the continuing care agreement. Agreements to provide continuing
19 care include agreements to provide care for any duration, including agreements that are
20 terminable by either party.

21 (2) 'Entrance fee' means an initial or deferred payment of a sum of money or property
22 made as full or partial payment to assure the resident a place in a facility. An
23 accommodation fee, admission fee, or other fee of similar form and application shall be
24 considered to be an entrance fee.

25 (3) 'Facility' means a place in which it is undertaken to provide continuing care.

1 (4) 'Liability insurance' means insurance on risks based upon neglect of a resident for
 2 which a provider is or may be responsible.

3 ~~(4)~~(5) 'Licensed' means that the provider has obtained a certificate of authority from the
 4 department.

5 ~~(5)~~(6) 'Personal services' means, but is not limited to, such services as: individual
 6 assistance with eating, bathing, grooming, dressing, ambulation, and housekeeping;
 7 supervision of self-administered medication; arrangement for or provision of social and
 8 leisure services; arrangement for appropriate medical, dental, nursing, or mental health
 9 services; and other similar services which the department may define. 'Personal services'
 10 shall not be construed to mean the provision of medical, nursing, dental, or mental health
 11 services by the staff of a facility.

12 ~~(6)~~(7) 'Provider' means the owner or operator, whether a natural person, partnership, or
 13 other unincorporated association, however organized, trust, or corporation, of an
 14 institution, building, residence, or other place, whether operated for profit or not, which
 15 owner or operator undertakes to provide continuing care for a fixed or variable fee, or for
 16 any other remuneration of any type, whether fixed or variable, for the period of care,
 17 payable in a lump sum or lump sum and monthly maintenance charges or in installments.

18 ~~(7)~~(8) 'Resident' means a purchaser of or a nominee of or a subscriber to a continuing
 19 care agreement. Such an agreement may not be construed to give the resident a part
 20 ownership of the facility in which the resident is to reside unless expressly provided for
 21 in the agreement."

22 SECTION 2.

23 Said chapter is further amended in subsection (a) of Code Section 33-45-7, relating to
 24 requirements for continuing care agreements, addenda, and amendments, by striking "and"
 25 at the end of paragraph (11), by striking the period and inserting "; and" at the end of
 26 paragraph (12), and by adding a new paragraph to read as follows:

27 "(13) Show proof that the provider has secured a signed, dated disclosure to the
 28 prospective resident and all other parties to the agreement clearly stating the provider
 29 maintains liability insurance coverage or the provider does not maintain such liability
 30 policy. The provider shall secure a signed, dated statement from each party to the
 31 contract certifying that each party has received a copy of the agreement with the liability
 32 insurance disclosure as required by this chapter."

33 SECTION 3.

34 This Act shall become effective on July 1, 2008.

1 **SECTION 4.**

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