

House Bill 1044

By: Representatives Walker of the 107th, Cooper of the 41st, Everson of the 106th, Heard of the 104th, Smyre of the 132nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated,
2 relating to licensure of adult day centers, so as to provide that respite care services programs
3 shall not be considered adult day centers for purposes of licensure; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 7 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to
8 licensure of adult day centers, is amended by revising Code Section 49-6-82, relating to
9 definitions, as follows:

10 "49-6-82.

11 As used in this article, the term:

12 (1) 'Adult day care' means the provision of a comprehensive plan of services that meets
13 the needs of aging adults, as defined in paragraph (4) of this Code section, under a social
14 model, as defined in paragraph ~~(7)~~ (9) of this Code section.

15 (2) 'Adult day center' means a facility serving aging adults that provides adult day care
16 or adult day health services, as defined in paragraphs (1) and (3) of this Code section, for
17 compensation, to three or more persons. This term shall not include a respite care
18 services program.

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

22 (4) 'Aging adults' means persons 60 years of age or older or mature adults below the age
23 of 60 whose needs and interests are substantially similar to persons 60 years of age or

1 older who have physical or mental limitations that restrict their abilities to perform the
2 normal activities of daily living and impede independent living.

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

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

9 (7) 'Primary caregiver' means the one identified relative or other person in a relationship
10 of responsibility, such as an agent under a valid durable power of attorney for health care
11 or health care agent under a valid advance directive for health care, who has assumed the
12 primary responsibility for the provision of care needed to maintain the physical or mental
13 health of an aging adult, who lives in the same residence with such individual, and who
14 does not receive financial compensation for the care provided.

15 (8) 'Respite care services program' means a program for aging adults who can function
16 in a group setting and who can feed and toilet themselves with or without the assistance
17 of a personal aide accompanying them which:

18 (A) Is operated by a nonprofit organization;

19 (B) Is staffed primarily by volunteers; and

20 (C) Has as its sole purpose to provide primary care givers of aging adults with relief
21 from normal care giving duties and responsibilities.

22 ~~(7)~~(9) 'Social model' means a program that addresses primarily the basic social and
23 recreational activities needed to be provided to aging adults, but also provides, as
24 required, limited personal care assistance, supervision, or assistance essential for
25 sustaining the activities of daily living. Such programs of care shall be based on
26 individual plans of care and shall be provided for less than 24 hours per day."

27 SECTION 2.

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