

House Bill 1044 (COMMITTEE SUBSTITUTE)

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 a respite care services program
3 shall not be required to be licensed as an adult day center; to provide for certain requirements
4 for respite care services programs; to require licensure as such; to provide for inspection of
5 such; to provide for a license requirement; to provide for sanctioning authority; to provide
6 for applicability; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

13 "49-6-82.

14 As used in this article, the term:

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

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

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

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

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

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

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

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

20 (A) Is operated by a nonprofit organization;

21 (B) Provides no more than 25 hours of services per week;

22 (C) Is managed by a director who has completed an adult day care services training and
 23 orientation program approved by the department;

24 (D) Is staffed primarily by volunteers; and

25 (E) Has as its sole purpose to provide primary caregivers of aging adults with relief
 26 from normal caregiving duties and responsibilities.

27 ~~(7)~~(9) 'Social model' means a program that addresses primarily the basic social and
 28 recreational activities needed to be provided to aging adults, but also provides, as
 29 required, limited personal care assistance, supervision, or assistance essential for
 30 sustaining the activities of daily living. Such programs of care shall be based on
 31 individual plans of care and shall be provided for less than 24 hours per day."

32 SECTION 2.

33 Said article is further amended by adding a new Code section to read as follows:

1 "49-6-83.1.

2 (a) A respite care services program shall:

3 (1) Maintain accurate emergency contact information for the primary caregiver, contact
4 information of the aging adult's physician, and any known drug allergies of the aging
5 adult;

6 (2) Contact local law enforcement authorities if an aging adult who requires supervision
7 for safety leaves the premises unescorted and is not located within 30 minutes of
8 knowledge of such departure;

9 (3) Deliver services in accordance with the following rights of aging adults:

10 (A) The right to be treated as an adult with respect and dignity;

11 (B) The right to be free from physical, mental, sexual, and verbal abuse and from
12 neglect and abuse;

13 (C) The right to privacy and confidentiality; and

14 (D) The right to file a complaint with the department's Office of Regulatory Services
15 if the aging adult or primary caregiver believes that the program is not providing
16 services in accordance with this Code section; and

17 (4) Provide contact information, including the phone number and complete address, of
18 the department's Office of Regulatory Services to the aging adult and his or her caregiver
19 for purposes of filing a complaint pursuant to subparagraph (D) of paragraph (3) of this
20 subsection.

21 (b) The department shall be authorized to issue a license to a respite care services program
22 which meets the requirements of this Code section. The department shall be authorized to
23 assess an initial fee of \$200.00 to an applicant for a license under this Code section and an
24 annual renewal fee of \$50.00.

25 (c) The department shall be authorized to conduct periodic inspections and other
26 inspections as determined necessary by the department of respite care services programs
27 to ensure compliance with the provisions of this Code section and department rules and
28 regulations.

29 (d) No person, business entity, corporation, or association, whether operated for profit or
30 not for profit, shall operate a respite care services program without first obtaining a license
31 or a provisional license from the department. A license issued under this article shall not
32 be assignable or transferable.

1 (e) Code Section 31-2-6 shall be applicable to respite care services programs and the
2 department shall have the authority to take any of the actions enumerated in Code Section
3 31-2-6 with respect to respite care services programs.

4 (f) This Code section shall not apply to respite care services programs established prior to
5 January 1, 2008."

6 **SECTION 3.**

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