

House Bill 1044 (AS PASSED HOUSE AND SENATE)

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 considered an adult day center for purposes of licensure requirements; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **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. This term shall not include
15 programs which provide day habilitation and treatment services exclusively for
16 individuals with developmental disabilities.

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

21 (3) 'Adult day health services' means the provision of a comprehensive plan of services
22 that meets the needs of aging adults under a medical model, as defined in paragraph (6)
23 of this Code section. This term shall not include programs which provide day habilitation
24 and treatment services exclusively for individuals with developmental disabilities.

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 All laws and parts of laws in conflict with this Act are repealed.