

House Bill 1449

By: Representative Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to require nursing homes to
3 determine if a new resident is a registered sexual offender; to require notice to families or
4 guardians of residents if an individual who is a registered sexual offender is admitted as a
5 resident to a nursing home; to provide for definitions; to provide for limited liability; to
6 provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
11 regulation of hospitals and related institutions, is amended by adding a new Code section to
12 read as follows:

13 "31-7-3.3.

14 (a) As used in this Code section, the term:

15 (1) 'Nursing home' means a home required to be licensed or permitted as a nursing home
16 under the provisions of this article.

17 (2) 'Registered sexual offender' means a sexual offender who is required to register
18 pursuant to Code Section 42-1-12.

19 (3) 'Sexual offender' shall have the same meaning as in paragraph (20) of subsection (a)
20 of Code Section 42-1-12.

21 (b) Beginning July 1, 2010, prior to or within 24 hours of admission of a resident into a
22 nursing home, the nursing home shall conduct a search of the state sexual offender registry
23 established pursuant to Code Section 42-1-12 for such resident to ascertain whether he or
24 she is a registered sexual offender. The nursing home shall make a determination for each
25 resident for whom a registry check is conducted as to whether such resident is a registered
26 sexual offender.

27 (c) A nursing home shall notify the family or guardian of each resident in writing of the
28 presence of a registered sexual offender identified pursuant to subsection (b) of this Code
29 section who has been admitted into the nursing home as a resident. The nursing home shall
30 also provide notice to its employees and to the family or guardian of each incoming
31 resident that such sexual offender has been admitted into the nursing home as a resident.

32 (d) The nursing home and the employees of such shall not be responsible for the accuracy
33 of information or have any liability for defamation, invasion of privacy, negligence, or any
34 other claim in connection with any dissemination of information or determination based
35 thereon pursuant to this Code section.

36 (e) The department shall promulgate rules and regulations to implement the provisions of
37 this Code section."

38 **SECTION 2.**

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