

House Bill 405

By: Representatives Martin of the 47<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Abrams of the 84<sup>th</sup>, Houston of the 170<sup>th</sup>, Dickson of the 6<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health  
2 care facilities, so as to provide for the regulation and licensing of assisted living  
3 communities; to provide for procedures and criteria; to provide for requirements for  
4 medication aides; to revise provisions relating to personal care homes; to amend various  
5 provisions of the Official Code of Georgia Annotated, so as to provide changes for purposes  
6 of consistency and conformity; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care  
11 facilities, is amended by adding a new Code section to read as follows:

12 "31-7-12.2.

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

14 (1) 'Ambulatory' means the ability to move from place to place by walking, either  
15 unaided or aided by a prosthesis, brace, cane, crutches, walker, or hand rails, or by  
16 propelling a wheelchair, and the ability to respond to an emergency condition and exit an  
17 assisted living community with minimal human assistance by normal means of egress.

18 (2) 'Assisted living care' includes:

19 (A) Personal services as defined by paragraph (2) of subsection (a) of Code Section  
20 31-7-12;

21 (B) The administration of medications by a medication aide in accordance with this  
22 Code section; and

23 (C) The provision of assisted self-preservation in accordance with this Code section.

24 (3) 'Assisted living community' means a personal care home with a minimum of 25 beds  
25 that is licensed as an assisted living community pursuant to Code Section 31-7-3.

26 (4) 'Assisted self-preservation' means the capability of an individual to evacuate an  
 27 assisted living community, which is a function of both the ability of the individual and  
 28 the assistance that is provided by the staff of the assisted living community, to a  
 29 designated point of safety and within an established period of time as determined by the  
 30 Office of the Safety Fire Commissioner.

31 (5) 'Continuous medical or nursing care' means medical or nursing care required other  
 32 than on a periodic basis or for a short-term illness.

33 (b) An assisted living community shall not admit or retain an individual who is in need of  
 34 continuous medical or nursing care. Other than as permitted by a medication aide pursuant  
 35 to paragraph (7) of subsection (c) of this Code section, medical or nursing care required on  
 36 a periodic basis or for a short-term illness shall not be provided as services of an assisted  
 37 living community. When required, such services shall be purchased by the resident or the  
 38 personal representative or legal surrogate of the resident from a health care provider that  
 39 is unaffiliated with the assisted living community. An assisted living community may assist  
 40 in arranging for such services, but not in the provision of such services.

41 (c)(1) An assisted living community may employ certified medication aides for the  
 42 purpose of performing the technical aspects of the administration of certain medications  
 43 in accordance with this subsection. An assisted living community that employs one or  
 44 more certified medication aides must have a safe medication and treatment administration  
 45 system that meets all the requirements of this subsection.

46 (2) The department shall establish and maintain a medication aide registry containing the  
 47 names of each individual in Georgia who is certified by the department as a medication  
 48 aide. An assisted living community may not employ an individual as a medication aide  
 49 unless the individual is listed in the medication aide registry in good standing.

50 (3) An applicant for certification as a medication aide shall meet the following  
 51 qualifications:

52 (A) Be a Georgia certified nurse aide with current certification in good standing;

53 (B) Have successfully completed a state-approved medication aide training program  
 54 administered by a Georgia licensed registered nurse, pharmacist, or physician;

55 (C) Have successfully passed, with a minimum passing score of 80 percent, a written  
 56 competency examination; and

57 (D) Have demonstrated the requisite clinical skills to serve as a medication aide in  
 58 accordance with a standardized checklist developed by the department.

59 (4) A record of the successful completion of the written competency examination and  
 60 clinical skills standardized checklist by an applicant for certification as a medication aide  
 61 shall be included in the medication aide registry within 30 business days of evaluation.  
 62 Each candidate for certification as a medication aide shall have the opportunity to take

63 the written competency examination three times before being required to retake and  
64 successfully complete the medication aide training program.

65 (5) An assisted living community shall annually conduct a comprehensive clinical skills  
66 competency review of each medication aide employed by the assisted living community.

67 (6) Certificates issued pursuant to this subsection shall be renewed annually according  
68 to schedules and fees approved by the department.

69 (7) A medication aide who meets the criteria established in this subsection shall be  
70 permitted to perform the following tasks in an assisted living community in accordance  
71 with the written instructions of a physician:

72 (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and  
73 rectal medications;

74 (B) Administer insulin and epinephrine pursuant to physician direction and protocol;

75 (C) Administer medication via a metered dose inhaler;

76 (D) Conduct finger stick blood glucose testing following established protocol;

77 (E) Administer a commercially prepared disposable enema as ordered by a physician;  
78 and

79 (F) Assist residents in the supervision of self-administration of medication.

80 (8) A medication aide shall record in the medication administration record all  
81 medications that the medication aide has personally administered to a resident of an  
82 assisted living community and any refusal of a resident to take a medication. A  
83 medication aide shall observe a resident to whom medication has been administered and  
84 report any changes in the condition of such resident to the personal representative or legal  
85 surrogate of the resident.

86 (9) All medication administered by a medication aide in accordance with this Code  
87 section shall be in unit or multidose packaging.

88 (10) An assisted living community that employs one or more medication aides to  
89 administer medications in accordance with this subsection shall secure the services of a  
90 licensed pharmacist to perform the following duties:

91 (A) Perform a quarterly review of the drug regimen of each resident of the assisted  
92 living community and report any irregularities to the assisted living community  
93 administrator;

94 (B) Remove for proper disposal any drugs that are expired, discontinued, in a  
95 deteriorated condition, or where the resident for whom such drugs were ordered is no  
96 longer a resident;

97 (C) Establish or review, through the appropriate committee of the assisted living  
98 community, policies and procedures for safe and effective drug therapy, distribution,  
99 use, and control; and

100 (D) Monitor compliance with established policies and procedures for medication  
101 handling and storage.

102 (11) An assisted living community that employs one or more medication aides to  
103 administer medications in accordance with this subsection shall ensure that each  
104 medication aide receives ongoing medication training as prescribed by the department.

105 A registered professional nurse or pharmacist shall conduct random medication  
106 administration observations on a quarterly basis and report any issues to the assisted  
107 living community administrator.

108 (d) An assisted living community shall not admit or retain an individual who is not  
109 ambulatory unless the individual is capable of assisted self-preservation. An assisted living  
110 community shall provide to the department on a quarterly basis a list of all residents who  
111 are not ambulatory but who are capable of assisted self-preservation.

112 (e) The department shall, in consultation with the Office of the Safety Fire Commissioner,  
113 evaluate whether an assisted living community is able to comply with the evacuation  
114 standard and provide the requisite assistance to ensure that every resident is capable of  
115 meeting such evacuation standard. In the event that the department determines that one or  
116 more residents of an assisted living community are not capable of meeting the evacuation  
117 standard as evidenced by the failure to pass a fire evacuation standard inspection, the  
118 department shall have the authority to order any of the following actions:

119 (1) An increase in the staffing of the assisted living community to a level that is  
120 sufficient to ensure that each resident is capable of evacuation;

121 (2) A change in the staffing assignments of the assisted living community if such change  
122 would ensure that each resident is capable of evacuation;

123 (3) A change in rooms or the location of residents as necessary to ensure that each  
124 resident is capable of evacuation;

125 (4) The utilization of any specialized equipment that would ensure that each resident is  
126 capable of evacuation;

127 (5) A cessation in the further admission of individuals until such time that the assisted  
128 living community has taken actions necessary to ensure that all residents are capable of  
129 evacuation; and

130 (6) The transfer or discharge of any resident who is not capable of evacuation.

131 (f) Fire detection and prevention equipment, including visual signals with alarms for  
132 hearing impaired residents, must be maintained in accordance with manufacturer  
133 instructions and the requirements of the Office of the Safety Fire Commissioner.

134 (g) An assisted living community shall not be permitted to enroll as a provider of medical  
135 assistance, as defined in paragraph (6) of Code Section 49-4-141, or receive any funds  
136 authorized or paid pursuant to Title XIX of the Social Security Act.

137 (h) The department shall adopt rules and regulations to implement this Code section. Such  
 138 rules shall establish meaningful distinctions between the levels of care provided by assisted  
 139 living communities and nursing homes."

140 **SECTION 2.**

141 Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or  
 142 deceptive practices in consumer transactions unlawful, is amended by revising paragraph  
 143 (26) of subsection (b) as follows:

144 "(26) With respect to any individual or facility providing personal care services or  
 145 assisted living care:

146 (A) Any person or entity not duly licensed or registered as a personal care home or  
 147 assisted living community formally or informally offering, advertising to, or soliciting  
 148 the public for residents or referrals; or

149 (B) Any personal care home, as defined in subsection (a) of Code Section 31-7-12, or  
 150 any assisted living community, as defined in paragraph (3) of Code Section 31-7-12.2,  
 151 offering, advertising, or soliciting the public to provide services:

152 (i) Which are outside the scope of personal care services or assisted living care,  
 153 respectively; and

154 (ii) For which it has not been specifically authorized.

155 Nothing in this subparagraph prohibits advertising by a personal care home or assisted  
 156 living community for services authorized by the Department of Community Health  
 157 under a waiver or variance pursuant to subsection (b) of Code Section 31-2-9~~;~~;

158 ~~(C)~~ For purposes of this paragraph, 'personal care' means protective care and watchful  
 159 oversight of a resident who needs a watchful environment but who does not have an  
 160 illness, injury, or disability which requires chronic or convalescent care including  
 161 medical and nursing services, and 'assisted living care' includes services provided for  
 162 in Code Section 31-7-12.2. The provisions of this paragraph shall be enforced  
 163 following consultation with the Department of Community Health which shall retain  
 164 primary responsibility for issues relating to licensure of any individual or facility  
 165 providing personal care services;"

166 **SECTION 3.**

167 Code Section 16-5-23 of the Official Code of Georgia Annotated, relating to simple battery,  
 168 is amended by revising subsection (g) as follows:

169 "(g) A person who is an employee, agent, or volunteer at any facility licensed or required  
 170 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code  
 171 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,

172 relating to personal care homes, or who is required to be licensed pursuant to Code Section  
 173 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense  
 174 of simple battery against a person who is admitted to or receiving services from such  
 175 facility, person, or entity shall be punished for a misdemeanor of a high and aggravated  
 176 nature."

177 **SECTION 4.**

178 Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, is  
 179 amended by revising subsection (k) as follows:

180 "(k) A person who is an employee, agent, or volunteer at any facility licensed or required  
 181 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code  
 182 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,  
 183 relating to personal care homes, or who is required to be licensed pursuant to Code Section  
 184 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense  
 185 of battery against a person who is admitted to or receiving services from such facility,  
 186 person, or entity shall, upon conviction thereof, be punished by imprisonment for not less  
 187 than one nor more than five years, or a fine of not more than \$2,000.00, or both."

188 **SECTION 5.**

189 Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to sexual assault  
 190 against persons in custody, sexual assault against person detained or patient in hospital or  
 191 other institution, and sexual assault by practitioner of psychotherapy against patient, is  
 192 amended by revising subsection (d) as follows:

193 "(d) A person who is an employee, agent, or volunteer at any facility licensed or required  
 194 to be licensed under Code Section 31-7-3, ~~or 31-7-12,~~ or 31-7-12.2 or who is required to  
 195 be licensed pursuant to Code Section 31-7-151 or 31-7-173 commits sexual assault when  
 196 he or she engages in sexual contact with another individual who the actor knew or should  
 197 have known had been admitted to or is receiving services from such facility or the actor."

198 **SECTION 6.**

199 Code Section 25-2-13 of the Official Code of Georgia Annotated, relating to buildings  
 200 presenting special hazards to persons or property and requirements as to construction,  
 201 maintenance, and use generally, is amended by revising subparagraph (b)(1)(J) as follows:

202 "(J) Personal care homes and assisted living communities required to be licensed as  
 203 such by the Department of Community Health and having at least seven beds for  
 204 nonfamily adults, and the Commissioner shall, pursuant to Code Section 25-2-4, by rule  
 205 adopt state minimum fire safety standards for those homes, and any structure

206 constructed as or converted to a personal care home on or after April 15, 1986, shall be  
 207 deemed to be a proposed building pursuant to subsection (d) of Code Section 25-2-14  
 208 and that structure may be required to be furnished with a sprinkler system meeting the  
 209 standards established by the Commissioner if he deems this necessary for proper fire  
 210 safety."

211 **SECTION 7.**

212 Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to definitions  
 213 relative to the "Georgia Pharmacy Practice Act," is amended by revising paragraph (18.1)  
 214 as follows:

215 "(18.1) 'Institution' means any licensed hospital, nursing home, assisted living  
 216 community, personal care home, hospice, health clinic, or prison clinic."

217 **SECTION 8.**

218 Code Section 26-4-191 of the Official Code of Georgia Annotated, relating to definitions  
 219 relative to the "Utilization of Unused Prescription Drugs Act," is amended by revising  
 220 paragraph (2) as follows:

221 "(2) 'Health care facility' means an institution which is licensed as a nursing home,  
 222 intermediate care home, assisted living community, personal care home, home health  
 223 agency, or hospice pursuant to Chapter 7 of Title 31."

224 **SECTION 9.**

225 Code Section 26-4-212 of the Official Code of Georgia Annotated, relating to definitions  
 226 relative to the "Safe Medications Practice Act," is amended by revising paragraph (3) as  
 227 follows:

228 "(3) 'Institution' means any licensed hospital, nursing home, assisted living community,  
 229 personal care home, or hospice."

230 **SECTION 10.**

231 Code Section 31-2-14 of the Official Code of Georgia Annotated, relating to records check  
 232 requirement for certain facilities, is amended by revising paragraph (4) of subsection (a) as  
 233 follows:

234 "(4) 'Facility' means a:

235 (A) Personal care home required to be licensed or permitted under Code Section  
 236 31-7-12;

237 (B) Assisted living community required to be licensed under Code Section 31-7-12.2;

238 ~~(B)~~(C) Private home care provider required to be licensed under Article 13 of Chapter  
 239 7 of this title; or  
 240 ~~(C)~~(D) Community living arrangement subject to licensure under paragraph (8) of  
 241 subsection (d) of Code Section 31-2-4."

242 **SECTION 11.**

243 Code Section 31-7-1 of the Official Code of Georgia Annotated, relating to definitions  
 244 relative to health care facilities, is amended by revising subparagraph (A) of paragraph (4)  
 245 as follows:

246 "(4) 'Institution' means:

247 (A) Any building, facility, or place in which are provided two or more beds and other  
 248 facilities and services that are used for persons received for examination, diagnosis,  
 249 treatment, surgery, maternity care, nursing care, assisted living care, or personal care  
 250 for periods continuing for 24 hours or longer and which is classified by the department,  
 251 as provided for in this chapter, as either a hospital, nursing home, assisted living  
 252 community, or personal care home;"

253 **SECTION 12.**

254 Said chapter is further amended by revising subsection (d) of Code Section 31-7-3, relating  
 255 to requirements for permits to operate institutions, as follows:

256 "(d)(1) When an application for licensure to operate a personal care home, as defined in  
 257 subsection (a) of Code Section 31-7-12, or an assisted living community, as defined in  
 258 paragraph (3) of Code Section 31-7-12.2, has been made, the department shall inform the  
 259 office of the state long-term care ombudsman of the name and address of the applicant  
 260 prior to issuing authority to operate or receive residents and shall provide to the  
 261 ombudsman program an opportunity to provide to the department information relevant  
 262 to the applicant's fitness to operate as a licensed personal care home or an assisted living  
 263 community.

264 (2) The department may consider any information provided under this subsection, where  
 265 verified by appropriate licensing procedures, in determining whether an applicant meets  
 266 the requirements for licensing.

267 (3) The department shall promulgate regulations setting forth the procedures by which  
 268 the long-term care ombudsman program shall report information to the department or its  
 269 designee as required by this subsection, including a consistent format for the reporting  
 270 of information, safeguards to protect confidentiality, and specified types of information  
 271 which shall be routinely provided by the long-term care ombudsman program.

272 (4) Nothing in this subsection shall be construed to provide any authority to the  
 273 long-term care ombudsman program to license or refuse to license the operation of a  
 274 personal care home or an assisted living community."

275 **SECTION 13.**

276 Code Section 31-7-12 of the Official Code of Georgia Annotated, relating to personal care  
 277 homes, is amended as follows:

278 "31-7-12.

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

280 (1) 'Personal care home' means any dwelling, whether operated for profit or not, which  
 281 undertakes through its ownership or management to provide or arrange for the provision  
 282 of housing, food service, and one or more personal services for two or more adults who  
 283 are not related to the owner or administrator by blood or marriage. This term shall not  
 284 include host homes, as defined in paragraph (18) of subsection (b) of Code Section  
 285 37-1-20.

286 (2) 'Personal services' includes, but is not limited to, individual assistance with or  
 287 supervision of self-administered medication and essential activities of daily living such  
 288 as eating, bathing, grooming, dressing, and toileting.

289 (b) All personal care homes shall be licensed as provided for in Code Section 31-7-3,  
 290 except that, in lieu of licensure, the department may require persons who operate personal  
 291 care homes with two or three beds for nonfamily adults to comply with registration  
 292 requirements delineated by the department. Such registration requirements within this  
 293 category shall authorize the department to promulgate pursuant to Chapter 13 of Title 50,  
 294 the 'Georgia Administrative Procedure Act,' reasonable standards to protect the health,  
 295 safety, and welfare of the occupants of such personal care homes.

296 (c) Upon the designation by the department and with the consent of county boards of  
 297 health, such boards may act as agents to the department in performing inspections and other  
 298 authorized functions regarding personal care homes licensed under this chapter. With  
 299 approval of the department, county boards of health may establish inspection fees to defray  
 300 part of the costs of inspections performed for the department.

301 (d) The state ombudsman or community ombudsman, on that ombudsman's initiative or  
 302 in response to complaints made by or on behalf of residents of a registered or licensed  
 303 personal care home, may conduct investigations in matters within the ombudsman's powers  
 304 and duties.

305 (e) A personal care home shall not admit or retain an individual who is need of continuous  
 306 medical or nursing care, as defined in Code Section 31-7-12.2. Medical or nursing care  
 307 required on a periodic basis or for a short-term illness shall not be provided as services of

308 a personal care home. When required, such services shall be purchased by the resident or  
 309 the personal representative or legal surrogate of the resident from a health care provider  
 310 that is unaffiliated with the personal care home. A personal care home may assist in  
 311 arranging for such services, but not in the provision of such services.

312 (f) A personal care home shall not admit or retain a resident who is not ambulatory, as  
 313 defined in Code Section 31-7-12.2, unless such personal care home is licensed as an  
 314 assisted living community and is in compliance with Code Section 31-7-12.2.

315 ~~(e)~~(g) The department shall promulgate procedures to govern the waiver, variance, and  
 316 exemption process related to personal care homes pursuant to Chapter 2 of this title. Such  
 317 procedures shall include published, measurable criteria for the decision process, shall take  
 318 into account the need for protection of public and individual health, care, and safety, and  
 319 shall afford an opportunity for public input into the process."

320

#### SECTION 14.

321 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section  
 322 31-7-111, relating to findings and declaration of policy under the "Residential Care Facilities  
 323 for the Elderly Authorities Act," as follows:

324 "(1) There exists in this state a seriously inadequate supply of and a critical need for  
 325 facilities which can furnish the comprehensive services required by elderly persons in a  
 326 single location, including, without limitation, residential care and the types of services  
 327 provided in skilled nursing homes, intermediate care homes, assisted living communities,  
 328 and personal care homes (hereinafter referred to as 'residential care facilities for the  
 329 elderly');"

330

#### SECTION 15.

331 Said chapter is further amended by revising subparagraph (A) of paragraph (7) of Code  
 332 Section 31-7-112, relating to definitions relative to the "Residential Care Facilities for the  
 333 Elderly Authorities Act," as follows:

334 "(A) Any one or more buildings or structures to be used in providing at a single  
 335 location the comprehensive services required by the elderly, including, without  
 336 limitation, residential care and the types of services provided in skilled nursing homes,  
 337 intermediate care homes, assisted living communities, and personal care homes  
 338 supplied with all necessary or useful furnishings, machinery, equipment, parking  
 339 facilities, landscaping, and facilities for outdoor storage, all as determined by the  
 340 authority, which determination shall be final and not subject to review; provided,  
 341 however, that no single project or residential care facility shall be required to render all  
 342 types of services and levels of care referred to above. There may be included as part of

343 any such project all improvements necessary to the full utilization thereof, including,  
 344 without limitation, site preparation; roads and streets; sidewalks; water supply; outdoor  
 345 lighting; belt line railroad; railroad sidings and lead tracks; bridges; causeways;  
 346 terminals for railroad, automotive, and air transportation; transportation facilities  
 347 incidental to the project; and the dredging and improving of harbors and waterways.  
 348 However, none of the aforementioned improvements shall be the primary purpose of  
 349 any project;"

350 **SECTION 16.**

351 Said chapter is further amended by revising paragraph (4) of Code Section 31-7-172, relating  
 352 to definitions relative to the "Georgia Hospice Law," as follows:

353 "(4) 'Health care facility' means hospitals; other special care units, including but not  
 354 limited to podiatric facilities; skilled nursing facilities; intermediate care facilities;  
 355 assisted living communities; personal care homes; ambulatory surgical or obstetrical  
 356 facilities; health maintenance organizations; home health agencies; and diagnostic,  
 357 treatment, or rehabilitation centers."

358 **SECTION 17.**

359 Code Section 31-8-51 of the Official Code of Georgia Annotated, relating to definitions  
 360 regarding the long-term care ombudsman program, is amended by revising paragraph (2) as  
 361 follows:

362 "(2) 'Long-term care facility' means any skilled nursing home, intermediate care home,  
 363 assisted living community, or personal care home now or hereafter subject to regulation  
 364 and licensure by the Department of Community Health."

365 **SECTION 18.**

366 Code Section 31-8-81 of the Official Code of Georgia Annotated, relating to definitions  
 367 regarding the 'Long-term Care Facility Resident Abuse Reporting Act,' is amended by  
 368 revising paragraph (3) as follows:

369 "(3) 'Long-term care facility' or 'facility' means any skilled nursing home, intermediate  
 370 care home, assisted living community, personal care home, or community living  
 371 arrangement now or hereafter subject to regulation and licensure by the department."

372 **SECTION 19.**

373 Code Section 31-8-102 of the Official Code of Georgia Annotated, relating to definitions  
 374 regarding the 'Bill of Rights for Residents of Long-term Care Facilities,' is amended by  
 375 revising paragraph (3) as follows:

376 "(3) 'Long-term care facility' or 'facility' means any assisted living community,  
 377 intermediate care home, skilled nursing home, or intermingled home subject to regulation  
 378 and licensure by the department."

379 **SECTION 20.**

380 Code Section 31-36A-5 of the Official Code of Georgia Annotated, relating to certification  
 381 by physician under the "Temporary Health Care Placement Decision Maker for an Adult  
 382 Act," is amended by revising paragraph (2) as follows:

383 "(2) It is the physician's belief that it is in the adult's best interest to be discharged from  
 384 a hospital, institution, medical center, or other health care institution providing health or  
 385 personal care for treatment of any type of physical or mental condition and to be  
 386 transferred to or admitted to an alternative facility or placement, including, but not  
 387 limited to, nursing facilities, assisted living communities, personal care homes,  
 388 rehabilitation facilities, and home and community based programs."

389 **SECTION 21.**

390 Code Section 31-36A-7 of the Official Code of Georgia Annotated, relating to petition for  
 391 order by health care facility, is amended by revising paragraph (2) of subsection (b) as  
 392 follows:

393 "(2) It is the physician's belief that it is in the adult's best interest to be admitted to or  
 394 discharged from a hospital, institution, medical center, or other health care institution  
 395 providing health or personal care for treatment of any type of physical or mental  
 396 condition or to be transferred to an alternative facility or placement, including, but not  
 397 limited to, nursing facilities, assisted living communities, personal care homes,  
 398 rehabilitation facilities, and home and community based programs; and"

399 **SECTION 22.**

400 Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to circumstances  
 401 when exonerated first offender's criminal record may be disclosed, is amended by revising  
 402 paragraph (2) of subsection (a) as follows:

403 "(2) The request for information is an inquiry about a person who has applied for  
 404 employment with a nursing home, assisted living community, personal care home, or a  
 405 person or entity that offers day care for elderly persons and the person who is the subject  
 406 of the inquiry to the center was prosecuted for the offense of sexual battery, incest,  
 407 pimping, pandering, or a violation of Code Section 30-5-8; or"

408

**SECTION 23.**

409 Code Section 35-3-174 of the Official Code of Georgia Annotated, relating to time for  
410 reporting elopement of disabled person from personal care home, is amended as follows:

411 "35-3-174.

412 The staff of personal care homes and assisted living communities shall call the local police  
413 department to report the elopement of any disabled person from the home within 30  
414 minutes of the staff's receiving actual knowledge that such person is missing from the  
415 home."

416

**SECTION 24.**

417 Code Section 37-4-21 of the Official Code of Georgia Annotated, relating to admission of  
418 developmentally disabled persons to facilities for purposes of temporary supervision and  
419 care, is amended by revising subsection (c) as follows:

420 "(c) An admission for respite care shall be for no longer than two weeks, provided that a  
421 person may be admitted for additional periods of respite care; provided, further, that there  
422 shall be no more than two admissions for respite care within any six-month period, counted  
423 from the first day of such an admission. Any such admission which exceeds limits  
424 provided in this Code section must be in accordance with the procedure in Code Section  
425 37-4-20 or 37-4-40. This Code section shall not apply when the person sought to be  
426 admitted is living in a nursing home, as defined in paragraph (2) of Code Section 43-27-1,  
427 ~~or~~ a personal care home, as defined in subsection (a) of Code Section 31-7-12, or an  
428 assisted living community, as defined in paragraph (3) of Code Section 31-7-12.2."

429

**SECTION 25.**

430 Code Section 38-4-2 of the Official Code of Georgia Annotated, relating to powers and  
431 appointment of executive directors of veterans' homes, is amended by revising paragraph (4)  
432 of subsection (a) as follows:

433 "(4) To construct and operate hospitals, nursing homes, nursing care homes, assisted  
434 living communities, and personal care homes for the use and care of war veterans  
435 discharged under other than dishonorable conditions and to pay the cost of construction  
436 of the hospitals, nursing homes, nursing care homes, assisted living communities, and  
437 personal care homes. The term 'cost of the construction' as used in this paragraph shall  
438 embrace the cost of construction; the cost of all lands, properties, rights, and easements  
439 acquired; the cost of all machinery and equipment; and the cost of engineering,  
440 architectural, and legal expenses and of plans and specifications and other expenses  
441 necessary or incident to determining the feasibility or practicability of the construction  
442 of any hospitals, nursing homes, nursing care homes, assisted living communities, and

443 personal care homes. The term shall also include administrative expense and such other  
 444 expenses as may be necessary or incident to the construction of any hospitals, nursing  
 445 homes, nursing care homes, assisted living communities, and personal care homes; the  
 446 placing of the same in operation; and the condemnation of property necessary for such  
 447 construction and operation."

448 **SECTION 26.**

449 Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to discharges  
 450 disqualifying individuals from employment, is amended by revising paragraph (3) of  
 451 subsection (a) as follows:

452 "(3) The employment is with a nursing home, assisted living community, personal care  
 453 home, or a person or entity that offers day care for elderly persons and the defendant was  
 454 discharged under this article after prosecution for the offense of sexual battery, incest,  
 455 pimping, pandering, or a violation of Code Section 30-5-8; or"

456 **SECTION 27.**

457 Code Section 48-13-9 of the Official Code of Georgia Annotated, relating to limitation on  
 458 authority of local government to impose regulatory fee and examples of businesses or  
 459 practitioners of professions or occupations which may be subject to fees, is amended by  
 460 revising paragraph (14) of subsection (b) as follows:

461 "(14) Nursing homes, assisted living communities, and personal care homes;"

462 **SECTION 28.**

463 Code Section 51-1-29.5 of the Official Code of Georgia Annotated, relating to limitation on  
 464 health care liability claim to gross negligence in emergency medical care, is amended by  
 465 revising paragraph (8) of subsection (a) as follows:

466 "(8) 'Health care institution' means:

467 (A) An ambulatory surgical center;

468 (B) A personal care home licensed under Chapter 7 of Title 31;

469 (B.1) An assisted living community licensed under Chapter 7 of Title 31;

470 (C) An institution providing emergency medical services;

471 (D) A hospice;

472 (E) A hospital;

473 (F) A hospital system;

474 (G) An intermediate care facility for the mentally retarded; or

475 (H) A nursing home."

476

**SECTION 29.**

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