

House Bill 405

By: Representatives Martin of the 47th, Lindsey of the 54th, Abrams of the 84th, Houston of the 170th, Dickson of the 6th, 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.