

Senate Bill 178

By: Senators Grant of the 25th, Williams of the 19th, Hill of the 32nd, Murphy of the 27th, Jackson of the 24th 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 to respond to an emergency condition, whether caused by fire
17 or otherwise, and escape with minimal human assistance using the normal means of
18 egress.

19 (2) 'Assisted living care' includes:

20 (A) Personal services as defined by paragraph (2) of subsection (a) of Code Section
21 31-7-12;

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

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

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

27 (4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an
 28 assisted living community, to a designated point of safety and within an established
 29 period of time as determined by the Office of the Safety Fire Commissioner. Assisted
 30 self-preservation is a function of all of the following:

31 (A) The condition of the individual;

32 (B) The assistance that is available to be provided to the individual by the staff of the
 33 assisted living community; and

34 (C) The construction of the building in which the assisted living community is housed,
 35 including whether such building meets the state fire safety requirements applicable to
 36 an existing health care occupancy.

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

39 (b) An assisted living community shall not admit or retain an individual who is not
 40 ambulatory unless the individual is capable of assisted self-preservation. In the event that
 41 the department determines that one or more residents of an assisted living community are
 42 not capable of assisted self-preservation due to the condition of the resident, the capabilities
 43 of the staff of the assisted living community, the construction of the building in which the
 44 assisted living community is housed, or a combination of these factors, the department shall
 45 have the authority to order any of the following actions:

46 (1) An increase in the staffing of the assisted living community to a level that is
 47 sufficient to ensure that each resident is capable of assisted self-preservation;

48 (2) A change in the staffing assignments of the assisted living community if such change
 49 would ensure that each resident is capable of assisted self-preservation;

50 (3) A change in rooms or the location of residents as necessary to ensure that each
 51 resident is capable of assisted self-preservation;

52 (4) The utilization of any specialized equipment that would ensure that each resident is
 53 capable of assisted self-preservation;

54 (5) A cessation in the further admission of individuals who are not ambulatory until such
 55 time that the assisted living community has taken actions necessary to ensure that all
 56 residents are capable of assisted self-preservation;

57 (6) The transfer or discharge of any resident who is not capable of assisted
 58 self-preservation; and

59 (7) Any action set forth in Code section 31-2-11.

60 (c) An assisted living community shall provide to the department on a quarterly basis a list
 61 of all residents who are not ambulatory but who are capable of assisted self-preservation.

62 (d) An assisted living community shall maintain fire detection and prevention equipment,
 63 including visual signals with alarms for hearing impaired residents, in accordance with

64 manufacturer instructions and the requirements of the Office of the Safety Fire
65 Commissioner.

66 (e) An assisted living community shall not admit or retain an individual who is in need of
67 continuous medical or nursing care. Other than as permitted by a medication aide pursuant
68 to paragraph (7) of subsection (f) of this Code section, medical, nursing, health, or
69 supportive services required on a periodic basis, or for short-term illness, shall not be
70 provided as services of an assisted living community. When such services are required,
71 they shall be purchased by the resident or the resident's representative or legal surrogate,
72 if any, from appropriately licensed providers managed independently from the assisted
73 living community. An assisted living community may assist in arranging for such services,
74 but not in the provision of such services.

75 (f)(1) An assisted living community may employ certified medication aides for the
76 purpose of performing the technical aspects of the administration of certain medications
77 in accordance with this subsection. An assisted living community that employs one or
78 more certified medication aides must have a safe medication and treatment administration
79 system that meets all the requirements of this subsection.

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

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

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

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

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

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

93 (4) A record of the successful completion of the written competency examination and
94 clinical skills standardized checklist by an applicant for certification as a medication aide
95 shall be included in the medication aide registry within 30 business days of evaluation.
96 Each candidate for certification as a medication aide shall have the opportunity to take
97 the written competency examination three times before being required to retake and
98 successfully complete the medication aide training program.

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

- 101 (6) Certificates issued pursuant to this subsection shall be renewed annually according
102 to schedules and fees approved by the department.
- 103 (7) A medication aide who meets the criteria established in this subsection shall be
104 permitted to perform the following tasks in an assisted living community in accordance
105 with the written instructions of a physician:
- 106 (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and
107 rectal medications;
- 108 (B) Administer insulin and epinephrine pursuant to physician direction and protocol;
- 109 (C) Administer medication via a metered dose inhaler;
- 110 (D) Conduct finger stick blood glucose testing following established protocol;
- 111 (E) Administer a commercially prepared disposable enema as ordered by a physician;
112 and
- 113 (F) Assist residents in the supervision of self-administration of medication.
- 114 (8) A medication aide shall record in the medication administration record all
115 medications that the medication aide has personally administered to a resident of an
116 assisted living community and any refusal of a resident to take a medication. A
117 medication aide shall observe a resident to whom medication has been administered and
118 report any changes in the condition of such resident to the personal representative or legal
119 surrogate of the resident.
- 120 (9) All medication administered by a medication aide in accordance with this Code
121 section shall be in unit or multidose packaging.
- 122 (10) An assisted living community that employs one or more medication aides to
123 administer medications in accordance with this subsection shall secure the services of a
124 licensed pharmacist to perform the following duties:
- 125 (A) Perform a quarterly review of the drug regimen of each resident of the assisted
126 living community and report any irregularities to the assisted living community
127 administrator;
- 128 (B) Remove for proper disposal any drugs that are expired, discontinued, in a
129 deteriorated condition, or where the resident for whom such drugs were ordered is no
130 longer a resident;
- 131 (C) Establish or review, through the appropriate committee of the assisted living
132 community, policies and procedures for safe and effective drug therapy, distribution,
133 use, and control; and
- 134 (D) Monitor compliance with established policies and procedures for medication
135 handling and storage.
- 136 (11) An assisted living community that employs one or more medication aides to
137 administer medications in accordance with this subsection shall ensure that each

138 medication aide receives ongoing medication training as prescribed by the department.
 139 A registered professional nurse or pharmacist shall conduct random medication
 140 administration observations on a quarterly basis and report any issues to the assisted
 141 living community administrator.
 142 (g) An assisted living community shall establish a written care plan for each resident.
 143 Such care plan shall describe the needs of the resident and how such needs will be met.
 144 (h) An assisted living community shall not be permitted to enroll as a provider of medical
 145 assistance, as defined in paragraph (6) of Code Section 49-4-141, or receive any funds
 146 authorized or paid pursuant to Title XIX of the Social Security Act.
 147 (i) The department shall adopt rules and regulations to implement this Code section. Such
 148 rules shall establish meaningful distinctions between the levels of care provided by assisted
 149 living communities and nursing homes but shall not curtail the scope or levels of services
 150 provided by nursing homes as of June 30, 2011."

151 **SECTION 2.**

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

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

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

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

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

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

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

169 ~~(C)~~ For purposes of this paragraph, 'personal care' means protective care and watchful
 170 oversight of a resident who needs a watchful environment but who does not have an
 171 illness, injury, or disability which requires chronic or convalescent care including
 172 medical and nursing services, and 'assisted living care' includes services provided for
 173 in Code Section 31-7-12.2. The provisions of this paragraph shall be enforced

174 following consultation with the Department of Community Health which shall retain
 175 primary responsibility for issues relating to licensure of any individual or facility
 176 providing personal care services;"

177 **SECTION 3.**

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

180 "(g) 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 simple battery against a person who is admitted to or receiving services from such
 186 facility, person, or entity shall be punished for a misdemeanor of a high and aggravated
 187 nature."

188 **SECTION 4.**

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

191 "(k) A person who is an employee, agent, or volunteer at any facility licensed or required
 192 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code
 193 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,
 194 relating to personal care homes, or who is required to be licensed pursuant to Code Section
 195 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense
 196 of battery against a person who is admitted to or receiving services from such facility,
 197 person, or entity shall, upon conviction thereof, be punished by imprisonment for not less
 198 than one nor more than five years, or a fine of not more than \$2,000.00, or both."

199 **SECTION 5.**

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

204 "(d) A person who is an employee, agent, or volunteer at any facility licensed or required
 205 to be licensed under Code Section 31-7-3, ~~or~~ 31-7-12, or 31-7-12.2 or who is required to
 206 be licensed pursuant to Code Section 31-7-151 or 31-7-173 commits sexual assault when

207 he or she engages in sexual contact with another individual who the actor knew or should
208 have known had been admitted to or is receiving services from such facility or the actor."

209 **SECTION 6.**

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

213 "(J) Personal care homes and assisted living communities required to be licensed as
214 such by the Department of Community Health and having at least seven beds for
215 nonfamily adults, and the Commissioner shall, pursuant to Code Section 25-2-4, by rule
216 adopt state minimum fire safety standards for those homes, and any structure
217 constructed as or converted to a personal care home on or after April 15, 1986, shall be
218 deemed to be a proposed building pursuant to subsection (d) of Code Section 25-2-14
219 and that structure may be required to be furnished with a sprinkler system meeting the
220 standards established by the Commissioner if he deems this necessary for proper fire
221 safety."

222 **SECTION 7.**

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

226 "(18.1) 'Institution' means any licensed hospital, nursing home, assisted living
227 community, personal care home, hospice, health clinic, or prison clinic."

228 **SECTION 8.**

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

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

235 **SECTION 9.**

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

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

241 **SECTION 10.**

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

245 "(4) 'Facility' means a:

246 (A) Personal care home required to be licensed or permitted under Code Section
 247 31-7-12;

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

249 ~~(B)(C)~~ Private home care provider required to be licensed under Article 13 of Chapter
 250 7 of this title; or

251 ~~(C)(D)~~ Community living arrangement subject to licensure under paragraph (8) of
 252 subsection (d) of Code Section 31-2-4."

253 **SECTION 11.**

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

257 "(4) 'Institution' means:

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

264 **SECTION 12.**

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

267 "(d)(1) When an application for licensure to operate a personal care home, as defined in
 268 subsection (a) of Code Section 31-7-12, or an assisted living community, as defined in
 269 paragraph (3) of Code Section 31-7-12.2, has been made, the department shall inform the
 270 office of the state long-term care ombudsman of the name and address of the applicant
 271 prior to issuing authority to operate or receive residents and shall provide to the
 272 ombudsman program an opportunity to provide to the department information relevant

273 to the applicant's fitness to operate as a licensed personal care home or an assisted living
 274 community.

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

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

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

286 **SECTION 13.**

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

289 "31-7-12.

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

291 (1) 'Personal care home' means any dwelling, whether operated for profit or not, which
 292 undertakes through its ownership or management to provide or arrange for the provision
 293 of housing, food service, and one or more personal services for two or more adults who
 294 are not related to the owner or administrator by blood or marriage. This term shall not
 295 include host homes, as defined in paragraph (18) of subsection (b) of Code Section
 296 37-1-20.

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

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

307 (c) Upon the designation by the department and with the consent of county boards of
 308 health, such boards may act as agents to the department in performing inspections and other

309 authorized functions regarding personal care homes licensed under this chapter. With
 310 approval of the department, county boards of health may establish inspection fees to defray
 311 part of the costs of inspections performed for the department.

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

316 (e) A personal care home shall not admit or retain an individual who is in need of
 317 continuous medical or nursing care, as defined in Code Section 31-7-12.2. Medical,
 318 nursing, health, or supportive services required on a periodic basis or for a short-term
 319 illness shall not be provided as services of a personal care home. When such services are
 320 required, they shall be purchased by the resident or the resident's representative or legal
 321 surrogate, if any, from appropriately licensed providers managed independently from the
 322 personal care home. A personal care home may assist in arranging for such services, but
 323 not in the provision of such services.

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

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

332 **SECTION 14.**

333 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
 334 31-7-111, relating to findings and declaration of policy under the "Residential Care Facilities
 335 for the Elderly Authorities Act," as follows:

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

342 **SECTION 15.**

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

346 "(A) Any one or more buildings or structures to be used in providing at a single
 347 location the comprehensive services required by the elderly, including, without
 348 limitation, residential care and the types of services provided in skilled nursing homes,
 349 intermediate care homes, assisted living communities, and personal care homes
 350 supplied with all necessary or useful furnishings, machinery, equipment, parking
 351 facilities, landscaping, and facilities for outdoor storage, all as determined by the
 352 authority, which determination shall be final and not subject to review; provided,
 353 however, that no single project or residential care facility shall be required to render all
 354 types of services and levels of care referred to above. There may be included as part of
 355 any such project all improvements necessary to the full utilization thereof, including,
 356 without limitation, site preparation; roads and streets; sidewalks; water supply; outdoor
 357 lighting; belt line railroad; railroad sidings and lead tracks; bridges; causeways;
 358 terminals for railroad, automotive, and air transportation; transportation facilities
 359 incidental to the project; and the dredging and improving of harbors and waterways.
 360 However, none of the aforementioned improvements shall be the primary purpose of
 361 any project;"

362 **SECTION 16.**

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

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

370 **SECTION 17.**

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

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

377 **SECTION 18.**

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

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

384 **SECTION 19.**

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

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

391 **SECTION 20.**

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

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

401 **SECTION 21.**

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

405 "(2) It is the physician's belief that it is in the adult's best interest to be admitted to or
406 discharged from a hospital, institution, medical center, or other health care institution
407 providing health or personal care for treatment of any type of physical or mental
408 condition or to be transferred to an alternative facility or placement, including, but not

409 limited to, nursing facilities, assisted living communities, personal care homes,
410 rehabilitation facilities, and home and community based programs; and"

411 **SECTION 22.**

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

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

420 **SECTION 23.**

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

423 "35-3-174.

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

428 **SECTION 24.**

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

432 "(c) An admission for respite care shall be for no longer than two weeks, provided that a
433 person may be admitted for additional periods of respite care; provided, further, that there
434 shall be no more than two admissions for respite care within any six-month period, counted
435 from the first day of such an admission. Any such admission which exceeds limits
436 provided in this Code section must be in accordance with the procedure in Code Section
437 37-4-20 or 37-4-40. This Code section shall not apply when the person sought to be
438 admitted is living in a nursing home, as defined in paragraph (2) of Code Section 43-27-1,
439 ~~or~~ a personal care home, as defined in subsection (a) of Code Section 31-7-12, or an
440 assisted living community, as defined in paragraph (3) of Code Section 31-7-12.2."

441 **SECTION 25.**

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

445 "(4) To construct and operate hospitals, nursing homes, nursing care homes, assisted
 446 living communities, and personal care homes for the use and care of war veterans
 447 discharged under other than dishonorable conditions and to pay the cost of construction
 448 of the hospitals, nursing homes, nursing care homes, assisted living communities, and
 449 personal care homes. The term 'cost of the construction' as used in this paragraph shall
 450 embrace the cost of construction; the cost of all lands, properties, rights, and easements
 451 acquired; the cost of all machinery and equipment; and the cost of engineering,
 452 architectural, and legal expenses and of plans and specifications and other expenses
 453 necessary or incident to determining the feasibility or practicability of the construction
 454 of any hospitals, nursing homes, nursing care homes, assisted living communities, and
 455 personal care homes. The term shall also include administrative expense and such other
 456 expenses as may be necessary or incident to the construction of any hospitals, nursing
 457 homes, nursing care homes, assisted living communities, and personal care homes; the
 458 placing of the same in operation; and the condemnation of property necessary for such
 459 construction and operation."

460 **SECTION 26.**

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

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

468 **SECTION 27.**

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

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

474

SECTION 28.

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

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

479 (A) An ambulatory surgical center;

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

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

482 (C) An institution providing emergency medical services;

483 (D) A hospice;

484 (E) A hospital;

485 (F) A hospital system;

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

487 (H) A nursing home."

488

SECTION 29.

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