

Senate Bill 196

By: Senator Seabaugh of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 13 of Title 31 of the Official Code of Georgia Annotated, relating to
2 private home care providers, so as to revise the definition of private home care provider to
3 exclude from the definition contractual arrangements with independent contractors; to change
4 certain provisions concerning certain employees; to revise exempt services; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article 13 of Title 31 of the Official Code of Georgia Annotated, relating to private home
9 care providers, is amended by revising paragraph (4) of Code Section 31-7-300 as follows:

10 "(4) 'Private home care provider' means any person, business entity, corporation, or
11 association, whether operated for profit or not for profit, that directly provides or makes
12 provision for private home care services through:

- 13 (A) Its own employees or agents; or
- 14 ~~(B) Contractual arrangements with independent contractors; or~~
- 15 ~~(C)~~(B) Referral of other persons to render home care services, when the individual
16 making the referral has ownership or financial interest in the delivery of those services
17 by those other persons who would deliver those services.

18 Private home care providers shall only include services provided by individuals who are
19 employees, and not independent contractors, of a private home care provider or another
20 employer who contracts with such private home care provider."

21 SECTION 2.

22 Said article is further amended by revising paragraph (1) of Code Section 31-7-305, relating
23 to exempt services, as follows:

24 "(1) When those services are provided directly by an individual, either with or without
25 compensation, and not by agents or employees of the individual ~~and not through~~

26 ~~independent contractors~~ or referral arrangements made by an individual who has
27 ownership or financial interest in the delivery of those services by others who would
28 deliver those services;"

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SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.