

The Senate Health and Human Services Committee offered the following substitute to SB 178:

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 legislative intent; to provide for procedures and criteria; to  
4 provide for requirements for medication aides; to revise provisions relating to personal care  
5 homes; to amend various provisions of the Official Code of Georgia Annotated, so as to  
6 provide changes for purposes of consistency and conformity; to provide for record checks;  
7 to provide for related matters; to repeal conflicting laws; and 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 new Code sections to read as follows:

12 "31-7-12.2.

13 (a) It is the intention of the General Assembly to establish a new licensure category of  
14 long-term care provider which shall be referred to as 'assisted living community.' An  
15 assisted living community shall be authorized, in accordance with this Code section, to  
16 provide certain services that are beyond the scope of services that a personal care home is  
17 authorized to provide.

18 (b) As used in this Code Section, the term:

19 (1) 'Ambulatory' means the ability to move from place to place by walking, either  
20 unaided or aided by a prosthesis, brace, cane, crutches, walker, or hand rails, or by  
21 propelling a wheelchair and to respond to an emergency condition, whether caused by fire  
22 or otherwise, and escape with minimal human assistance using the normal means of  
23 egress.

24 (2) 'Assisted living care' includes:

25 (A) Personal services, which includes, but is not limited to, individual assistance with  
 26 or supervision of self-administered medication and essential activities of daily living  
 27 such as eating, bathing, grooming, dressing, and toileting;

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

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

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

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

37 (A) The condition of the individual;

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

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

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

45 (c) An assisted living community shall not admit or retain an individual who is not  
 46 ambulatory unless the individual is capable of assisted self-preservation. In the event that  
 47 the department determines that one or more residents of an assisted living community are  
 48 not capable of assisted self-preservation due to the condition of the resident, the capabilities  
 49 of the staff of the assisted living community, the construction of the building in which the  
 50 assisted living community is housed, or a combination of these factors, the department shall  
 51 have the authority to consider any of the following actions:

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

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

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

58 (4) The utilization of any specialized equipment that would ensure that each resident is  
 59 capable of assisted self-preservation. For purposes of this paragraph, specialized  
 60 equipment shall only include a prosthesis, brace, cane, crutches, walker, hand rails, and  
 61 a wheelchair;

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

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

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

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

70 (e) An assisted living community shall maintain fire detection and prevention equipment,  
71 including visual signals with alarms for hearing impaired residents, in accordance with  
72 manufacturer instructions and the requirements of the Office of the Safety Fire  
73 Commissioner.

74 (f) An assisted living community shall not admit or retain an individual who is in need of  
75 continuous medical or nursing care. Other than as permitted by a medication aide pursuant  
76 to paragraph (7) of subsection (g) of this Code section, medical, nursing, or health services  
77 required on a periodic basis, or for short-term illness, shall not be provided as services of  
78 an assisted living community. When such services are required, they shall be purchased  
79 by the resident or the resident's representative or legal surrogate, if any, from appropriate  
80 providers managed independently from the assisted living community. An assisted living  
81 community may assist in arranging for such services, but not in the provision of such  
82 services.

83 (g)(1) An assisted living community may employ certified medication aides for the  
84 purpose of performing the technical aspects of the administration of certain medications  
85 in accordance with this subsection. An assisted living community that employs one or  
86 more certified medication aides must have a safe medication and treatment administration  
87 system that meets all the requirements of this subsection.

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

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

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

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

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

- 99           (D) Have demonstrated the requisite clinical skills to serve as a medication aide in  
100           accordance with a standardized checklist developed by the department.
- 101           (4) A record of the successful completion of the written competency examination and  
102           clinical skills standardized checklist by an applicant for certification as a medication aide  
103           shall be included in the medication aide registry within 30 business days of evaluation.  
104           Each candidate for certification as a medication aide shall have the opportunity to take  
105           the written competency examination three times before being required to retake and  
106           successfully complete the medication aide training program.
- 107           (5) An assisted living community shall annually conduct a comprehensive clinical skills  
108           competency review of each medication aide employed by the assisted living community.
- 109           (6) Certificates issued pursuant to this subsection shall be renewed annually according  
110           to schedules and fees approved by the department.
- 111           (7) A medication aide who meets the criteria established in this subsection shall be  
112           permitted to perform the following tasks in an assisted living community in accordance  
113           with the written instructions of a physician:
- 114           (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and  
115           rectal medications;
- 116           (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and  
117           protocol;
- 118           (C) Administer medication via a metered dose inhaler;
- 119           (D) Conduct finger stick blood glucose testing following established protocol;
- 120           (E) Administer a commercially prepared disposable enema as ordered by a physician;  
121           and
- 122           (F) Assist residents in the supervision of self-administration of medication.
- 123           (8) A medication aide shall record in the medication administration record all  
124           medications that the medication aide has personally administered to a resident of an  
125           assisted living community and any refusal of a resident to take a medication. A  
126           medication aide shall observe a resident to whom medication has been administered and  
127           report any changes in the condition of such resident to the personal representative or legal  
128           surrogate of the resident.
- 129           (9) All medication administered by a medication aide in accordance with this Code  
130           section shall be in unit or multidose packaging.
- 131           (10) An assisted living community that employs one or more medication aides to  
132           administer medications in accordance with this subsection shall secure the services of a  
133           licensed pharmacist to perform the following duties:

134 (A) Perform a quarterly review of the drug regimen of each resident of the assisted  
 135 living community and report any irregularities to the assisted living community  
 136 administrator;

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

140 (C) Establish or review policies and procedures for safe and effective drug therapy,  
 141 distribution, use, and control; and

142 (D) Monitor compliance with established policies and procedures for medication  
 143 handling and storage.

144 (11) An assisted living community that employs one or more medication aides to  
 145 administer medications in accordance with this subsection shall ensure that each  
 146 medication aide receives ongoing medication training as prescribed by the department.  
 147 A registered professional nurse or pharmacist shall conduct random medication  
 148 administration observations on a quarterly basis and report any issues to the assisted  
 149 living community administrator.

150 (h) An assisted living community shall establish a written care plan for each resident.  
 151 Such care plan shall describe the needs of the resident and how such needs will be met.

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

155 31-7-12.3.

156 The department shall adopt rules and regulations to implement Code Sections 31-7-12 and  
 157 31-7-12.2. Such rules and regulations shall establish meaningful distinctions between the  
 158 levels of care provided by personal care homes, assisted living communities, and nursing  
 159 homes but shall not curtail the scope or levels of services provided by personal care homes  
 160 or nursing homes as of June 30, 2011; provided, however, that nothing in this chapter shall  
 161 preclude the department from issuing waivers or variances to personal care homes of the  
 162 rules and regulations established pursuant to this Code section. Notwithstanding Code  
 163 Section 31-2-9 or 31-7-12.2, the department shall not grant a waiver or variance unless:

164 (1) There are adequate standards affording protection for the health and safety of  
 165 residents of the personal care home;

166 (2) The resident of the personal care home provides a medical assessment conducted by  
 167 a licensed health care professional who is unaffiliated with the personal care home which  
 168 identifies the needs of the resident; and

169 (3) The department finds that the personal care home can provide or arrange for the  
 170 appropriate level of care for the resident."

171 **SECTION 2.**

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

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

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

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

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

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

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

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

197 **SECTION 3.**

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

200 "(g) A person who is an employee, agent, or volunteer at any facility licensed or required  
 201 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code  
 202 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,  
 203 relating to personal care homes, or who is required to be licensed pursuant to Code Section

204 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense  
 205 of simple battery against a person who is admitted to or receiving services from such  
 206 facility, person, or entity shall be punished for a misdemeanor of a high and aggravated  
 207 nature."

#### 208 SECTION 4.

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

211 "(k) A person who is an employee, agent, or volunteer at any facility licensed or required  
 212 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code  
 213 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,  
 214 relating to personal care homes, or who is required to be licensed pursuant to Code Section  
 215 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense  
 216 of battery against a person who is admitted to or receiving services from such facility,  
 217 person, or entity shall, upon conviction thereof, be punished by imprisonment for not less  
 218 than one nor more than five years, or a fine of not more than \$2,000.00, or both."

#### 219 SECTION 5.

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

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

#### 229 SECTION 6.

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

233 "(J) Personal care homes and assisted living communities required to be licensed as  
 234 such by the Department of Community Health and having at least seven beds for  
 235 nonfamily adults, and the Commissioner shall, pursuant to Code Section 25-2-4, by rule  
 236 adopt state minimum fire safety standards for those homes, and any structure  
 237 constructed as or converted to a personal care home on or after April 15, 1986, shall be

238 deemed to be a proposed building pursuant to subsection (d) of Code Section 25-2-14  
 239 and that structure may be required to be furnished with a sprinkler system meeting the  
 240 standards established by the Commissioner if he deems this necessary for proper fire  
 241 safety."

242 **SECTION 7.**

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

246 "(18.1) 'Institution' means any licensed hospital, nursing home, assisted living  
 247 community, personal care home, hospice, health clinic, or prison clinic."

248 **SECTION 8.**

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

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

255 **SECTION 9.**

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

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

261 **SECTION 10.**

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

265 "(4) 'Facility' means a:

266 (A) Personal care home required to be licensed or permitted under Code Section  
 267 31-7-12;

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

269 ~~(B)(C)~~ Private home care provider required to be licensed under Article 13 of Chapter  
 270 7 of this title; or

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

273 **SECTION 11.**

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

277 "(4) 'Institution' means:

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

284 **SECTION 12.**

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

287 "(d)(1) When an application for licensure to operate a personal care home, as defined in  
 288 subsection (a) of Code Section 31-7-12, or an assisted living community, as defined in  
 289 Code Section 31-7-12.2, has been made, the department shall inform the office of the  
 290 state long-term care ombudsman of the name and address of the applicant prior to issuing  
 291 authority to operate or receive residents and shall provide to the ombudsman program an  
 292 opportunity to provide to the department information relevant to the applicant's fitness  
 293 to operate as a licensed personal care home or an assisted living community.

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

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

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

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**SECTION 13.**

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Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 31-7-12, relating to personal care homes, as follows:

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

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**SECTION 14.**

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

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

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**SECTION 15.**

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

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"(A) Any one or more buildings or structures to be used in providing at a single location the comprehensive services required by the elderly, including, without limitation, residential care and the types of services provided in skilled nursing homes, intermediate care homes, assisted living communities, and personal care homes supplied with all necessary or useful furnishings, machinery, equipment, parking facilities, landscaping, and facilities for outdoor storage, all as determined by the authority, which determination shall be final and not subject to review; provided, however, that no single project or residential care facility shall be required to render all types of services and levels of care referred to above. There may be included as part of any such project all improvements necessary to the full utilization thereof, including, without limitation, site preparation; roads and streets; sidewalks; water supply; outdoor lighting; belt line railroad; railroad sidings and lead tracks; bridges; causeways; terminals for railroad, automotive, and air transportation; transportation facilities incidental to the project; and the dredging and improving of harbors and waterways.

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**SECTION 20.**

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

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

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**SECTION 21.**

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

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

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**SECTION 22.**

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

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

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**SECTION 23.**

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

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"(2) The request for information is an inquiry about a person who has applied for employment with a nursing home, assisted living community, personal care home, or a person or entity that offers day care for elderly persons and the person who is the subject

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404 of the inquiry to the center was prosecuted for the offense of sexual battery, incest,  
405 pimping, pandering, or a violation of Code Section 30-5-8; or"

406 **SECTION 24.**

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

409 "35-3-174.

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

414 **SECTION 25.**

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

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

427 **SECTION 26.**

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

431 "(4) To construct and operate hospitals, nursing homes, nursing care homes, assisted  
432 living communities, and personal care homes for the use and care of war veterans  
433 discharged under other than dishonorable conditions and to pay the cost of construction  
434 of the hospitals, nursing homes, nursing care homes, assisted living communities, and  
435 personal care homes. The term 'cost of the construction' as used in this paragraph shall  
436 embrace the cost of construction; the cost of all lands, properties, rights, and easements  
437 acquired; the cost of all machinery and equipment; and the cost of engineering,

438 architectural, and legal expenses and of plans and specifications and other expenses  
 439 necessary or incident to determining the feasibility or practicability of the construction  
 440 of any hospitals, nursing homes, nursing care homes, assisted living communities, and  
 441 personal care homes. The term shall also include administrative expense and such other  
 442 expenses as may be necessary or incident to the construction of any hospitals, nursing  
 443 homes, nursing care homes, assisted living communities, and personal care homes; the  
 444 placing of the same in operation; and the condemnation of property necessary for such  
 445 construction and operation."

446 **SECTION 27.**

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

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

454 **SECTION 28.**

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

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

460 **SECTION 29.**

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

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

465 (A) An ambulatory surgical center;

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

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

468 (C) An institution providing emergency medical services;

469 (D) A hospice;

470 (E) A hospital;

471 (F) A hospital system;

- 472 (G) An intermediate care facility for the mentally retarded; or  
473 (H) A nursing home."

474 **SECTION 30.**

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