

The House Committee on Health and Human Services offers 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 maintain a current list of all residents who are not
69 ambulatory but who are capable of assisted self-preservation. The list shall be provided
70 upon request to the department and maintained at all times by the assisted living
71 community.

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

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

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

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

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

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

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

- 99 (C) Have successfully passed, with a minimum passing score of 80 percent, a written
100 competency examination; and
- 101 (D) Have demonstrated the requisite clinical skills to serve as a medication aide in
102 accordance with a standardized checklist developed by the department.
- 103 (4) A record of the successful completion of the written competency examination and
104 clinical skills standardized checklist by an applicant for certification as a medication aide
105 shall be included in the medication aide registry within 30 business days of evaluation.
106 Each candidate for certification as a medication aide shall have the opportunity to take
107 the written competency examination three times before being required to retake and
108 successfully complete the medication aide training program.
- 109 (5) An assisted living community shall annually conduct a comprehensive clinical skills
110 competency review of each medication aide employed by the assisted living community.
- 111 (6) Certificates issued pursuant to this subsection shall be renewed biennially according
112 to schedules and fees approved by the department.
- 113 (7) A medication aide who meets the criteria established in this subsection shall be
114 permitted to perform the following tasks in an assisted living community in accordance
115 with the written instructions of a physician:
- 116 (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and
117 rectal medications;
- 118 (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and
119 protocol;
- 120 (C) Administer medication via a metered dose inhaler;
- 121 (D) Conduct finger stick blood glucose testing following established protocol;
- 122 (E) Administer a commercially prepared disposable enema as ordered by a physician;
123 and
- 124 (F) Assist residents in the supervision of self-administration of medication.
- 125 (8) A medication aide shall record in the medication administration record all
126 medications that the medication aide has personally administered to a resident of an
127 assisted living community and any refusal of a resident to take a medication. A
128 medication aide shall observe a resident to whom medication has been administered and
129 report any changes in the condition of such resident to the personal representative or legal
130 surrogate of the resident.
- 131 (9) All medication administered by a medication aide in accordance with this Code
132 section shall be in unit or multidose packaging.
- 133 (10) An assisted living community that employs one or more medication aides to
134 administer medications in accordance with this subsection shall secure the services of a
135 licensed pharmacist to perform the following duties:

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

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

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

144 (D) Monitor compliance with established policies and procedures for medication
 145 handling and storage.

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

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

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

157 31-7-12.3.

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

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

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

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

173 **SECTION 2.**

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

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

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

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

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

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

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

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

199 **SECTION 3.**

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

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

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

210 **SECTION 4.**

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

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

221 **SECTION 5.**

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

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

231 **SECTION 6.**

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

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

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

244 **SECTION 7.**

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

248 "(18.1) 'Institution' means any licensed hospital, nursing home, assisted living
 249 community, personal care home, hospice, health clinic, or prison clinic."

250 **SECTION 8.**

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

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

257 **SECTION 9.**

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

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

263 **SECTION 10.**

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

267 "(4) 'Facility' means a:

268 (A) Personal care home required to be licensed or permitted under Code Section
 269 31-7-12;

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

271 ~~(B)~~(C) Private home care provider required to be licensed under Article 13 of Chapter
 272 7 of this title; or

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

275 **SECTION 11.**

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

279 "(4) 'Institution' means:

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

286 **SECTION 12.**

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

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

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

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

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

307 **SECTION 13.**

308 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section
309 31-7-12, relating to personal care homes, as follows:

310 "(2) 'Personal services' includes, but is not limited to, individual assistance with or
311 supervision of self-administered medication and essential activities of daily living such
312 as eating, bathing, grooming, dressing, and toileting. Personal services shall not include
313 medical, nursing, or health services; provided, however, that the department shall be
314 authorized to grant a waiver of this provision in the same manner as provided for in Code
315 Section 31-7-12.3 for the waiver of rules and regulations and in the same manner and
316 only to the same extent as granted on or before June 30, 2011."

317 **SECTION 13A.**

318 Said chapter is further amended by revising Code Section 31-7-12.1, relating to unlicensed
319 personal care homes, to add a new subsection to read as follows:

320 "(f) In addition to the sanctions authorized herein, an unlicensed personal care home shall
321 be deemed to be negligent per se in the event of any claim for personal injury or wrongful
322 death of a resident."

323 **SECTION 14.**

324 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
325 31-7-111, relating to findings and declaration of policy under the "Residential Care Facilities
326 for the Elderly Authorities Act," as follows:

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

333 **SECTION 15.**

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

337 "(A) Any one or more buildings or structures to be used in providing at a single
338 location the comprehensive services required by the elderly, including, without
339 limitation, residential care and the types of services provided in skilled nursing homes,
340 intermediate care homes, assisted living communities, and personal care homes

341 supplied with all necessary or useful furnishings, machinery, equipment, parking
 342 facilities, landscaping, and facilities for outdoor storage, all as determined by the
 343 authority, which determination shall be final and not subject to review; provided,
 344 however, that no single project or residential care facility shall be required to render all
 345 types of services and levels of care referred to above. There may be included as part of
 346 any such project all improvements necessary to the full utilization thereof, including,
 347 without limitation, site preparation; roads and streets; sidewalks; water supply; outdoor
 348 lighting; belt line railroad; railroad sidings and lead tracks; bridges; causeways;
 349 terminals for railroad, automotive, and air transportation; transportation facilities
 350 incidental to the project; and the dredging and improving of harbors and waterways.
 351 However, none of the aforementioned improvements shall be the primary purpose of
 352 any project;"

353 **SECTION 16.**

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

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

361 **SECTION 17.**

362 Said chapter is further amended by revising paragraph (11) of Code Section 31-7-250,
 363 relating to definitions relative to facility licensing and employee records checks, as follows:

364 "(11) 'Personal care home' or 'home' means a home required to be licensed or permitted
 365 under Code Section 31-7-12 or an assisted living community as defined in Code Section
 366 31-7-12.2."

367 **SECTION 18.**

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

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

374 **SECTION 19.**

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

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

381 **SECTION 20.**

382 Code Section 31-8-132 of the Official Code of Georgia Annotated, relating to definitions
 383 regarding the "Remedies for Residents of Personal Care Homes Act," is amended by revising
 384 paragraph (5) as follows:

385 "(5) 'Personal care home' or 'home' means a facility as defined in Code Section 31-7-12
 386 and shall include any assisted living community as defined in paragraph (3) of subsection
 387 (b) of Code Section 31-7-12.2 that is subject to regulation and licensure by the
 388 department."

389 **SECTION 21.**

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

393 "(2) It is the physician's belief that it is in the adult's best interest to be discharged from
 394 a hospital, institution, medical center, or other health care institution providing health or
 395 personal care for treatment of any type of physical or mental condition and to be
 396 transferred to or admitted 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."

399 **SECTION 22.**

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

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

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

409 **SECTION 23.**

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

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

418 **SECTION 24.**

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

421 "35-3-174.

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

426 **SECTION 25.**

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

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

439

SECTION 26.

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

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

458

SECTION 27.

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

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

466

SECTION 28.

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

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

472

SECTION 29.

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

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

477 (A) An ambulatory surgical center;

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

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

480 (C) An institution providing emergency medical services;

481 (D) A hospice;

482 (E) A hospital;

483 (F) A hospital system;

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

485 (H) A nursing home."

486

SECTION 30.

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