

Senate Bill 455

By: Senators Goggans of the 7th, Hill of the 4th, Williams of the 19th, Golden of the 8th and Orrock of the 36th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to  
2 unfair or deceptive practices in consumer transactions unlawful, so as to authorize licensed  
3 personal care homes and community living arrangements to use certain terms; to provide for  
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

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

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

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

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

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

21 Nothing in this subparagraph prohibits advertising by a personal care home or assisted  
22 living community for services authorized by the Department of Community Health  
23 under a waiver or variance pursuant to subsection (b) of Code Section 31-2-7. Nothing  
24 in this subparagraph shall prohibit a licensed personal care home or community living  
25 arrangement from using the term 'assisted living services' or the term 'assisted living';  
26 provided, however, that a licensed personal care home or community living

27 arrangement shall not use the terms 'assisted living care' or 'assisted living community'  
28 unless it is licensed as an assisted living community pursuant to Code Section  
29 31-7-12.2.

30 For purposes of this paragraph, 'personal care' means protective care and watchful  
31 oversight of a resident who needs a watchful environment but who does not have an  
32 illness, injury, or disability which requires chronic or convalescent care including medical  
33 and nursing services, and 'assisted living care' includes services provided for in Code  
34 Section 31-7-12.2. The provisions of this paragraph shall be enforced following  
35 consultation with the Department of Community Health which shall retain primary  
36 responsibility for issues relating to licensure of any individual or facility providing  
37 personal care services;"

38 **SECTION 2.**

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