

House Bill 398

By: Representatives Maxwell of the 17th, Channell of the 120th, Stephens of the 164th, Clark of the 101st, Martin of the 49th, and others

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' or another phrase containing the term
26 'assisted living' in describing its services; provided, however, that no place of living,

27 facility, or other entity shall use the terms 'assisted living care' or 'assisted living
28 community' unless it is licensed as an assisted living community pursuant to Code
29 Section 31-7-12.2.

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

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.