House Bill 987
By: Representatives Cooper of the 43rd, LaHood of the 175th, Jones of the 47th, Petrea of the 166th, Efstration of the 104th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide additional measures for the protection of elderly persons; to increase the maximum fines for violation by health care facilities; to provide for staffing, training, and financial stability requirements for certain personal care homes and assisted living communities; to provide for limited nursing services in assisted living communities; to provide for certification of memory care centers; to provide for definitions; to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for definitions; to rename the State Board of Nursing Home Administrators the State Board of Long-Term Care Facility Administrators; to require licensure of assisted living community administrators and certain personal care home administrators; to revise the composition of the board; to provide for the establishment of additional licensure criteria; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code Section 31-2-4, relating to the Department of Community Health's powers, duties, functions, and responsibilities, by revising paragraphs (9) and (10) of subsection (d), as follows:

"(9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' a schedule of fees for licensure activities for institutions and other health care related entities required to be licensed, permitted, registered, certificated, or commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of this title, Chapter 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter 6 of Title 49. Such schedules shall be determined in a manner so as to help defray the costs incurred by the department, but in no event to exceed such costs, both direct and indirect, in providing such licensure activities. Such fees may be annually adjusted by the department but shall not be increased by more than the annual rate of inflation as..."
measured by the Consumer Price Index, as reported by the Bureau of Labor Statistics of the United States Department of Labor. All fees paid thereunder shall be paid into the general funds of the State of Georgia. It is the intent of the General Assembly that the proceeds from all fees imposed pursuant to this paragraph be used to support and improve the quality of licensing services provided by the department;

(10)(A) May accept the certification or accreditation of an entity or program by a certification or accreditation body, in accordance with specific standards, as evidence of compliance by the entity or program with the substantially equivalent departmental requirements for issuance or renewal of a permit or provisional permit, provided that such certification or accreditation is established prior to the issuance or renewal of such permits. The department may not require an additional departmental inspection of any entity or program whose certification or accreditation has been accepted by the department, except to the extent that such specific standards are less rigorous or less comprehensive than departmental requirements. Nothing in this Code section shall prohibit either departmental inspections for violations of such standards or requirements or the revocation of or refusal to issue or renew permits, as authorized by applicable law, or for violation of any other applicable law or regulation pursuant thereto.

(B) For purposes of this paragraph, the term:

(i) 'Entity or program' means an agency, center, facility, institution, community living arrangement, drug abuse treatment and education program, or entity subject to regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title; Chapter 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of Title 49.

(ii) 'Permit' means any license, permit, registration, certificate, or commission issued by the department pursuant to the provisions of the law cited in division (i) of this subparagraph;"

SECTION 2.

Said title is further amended in Code Section 31-2-8, relating to actions by the Department of Community Health against certain applicants or licensees, by revising paragraph (6) of subsection (c) and subsection (e) as follows:

"(6)(A) Impose a fine, not to exceed a total of $25,000.00 $50,000.00 , of up to $1,000.00 $2,000.00 per day for each violation of a law, rule, regulation, or formal order related to the initial or ongoing licensing of any agency, facility, institution, or entity, except as otherwise provided in subparagraph (B) of this paragraph;"

(B) Impose a mandatory fine of no less than $5,000.00 for a violation of a law, rule, regulation, or formal order related to the initial or ongoing licensing of long-term care

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facility which has caused the death of or serious physical harm to a resident in such
facility;
(C) No fine may be imposed pursuant to this paragraph against any
nursing facility, nursing home, or intermediate care facility which is subject to
intermediate sanctions under the provisions of 42 U.S.C. Section 1396r(h)(2)(A), as
amended, whether or not those sanctions are actually imposed; or
“(e) The department may deny a license or otherwise restrict a license for any applicant
who has had a license denied, revoked, or suspended within one year of the date of an
application or who has transferred ownership or governing authority of an agency, facility,
institution, or entity subject to regulation by the department within one year of the date of
a new application when such transfer was made in order to avert denial, revocation, or
suspension of a license or to avert the payment of fines assessed by the department
pursuant to this Code section.”

SECTION 3.
Said title is further amended in Code Section 31-7-3.2, relating to notice of cited deficiency
and imposition of sanction, by revising subsection (a) as follows:
“(a) A personal care home, assisted living community, nursing home, or intermediate care
home licensed under this article shall give notice in the event that such facility has been
cited by the department for any deficiency for which the facility has received notice of the
imposition of any sanction available under federal or state laws or regulations, except
where a plan of correction is the only sanction to be imposed.”

SECTION 4.
Said title is further amended in Code Section 31-7-12, relating to the licensure and regulation
of personal care homes, as follows:
“31-7-12.
(a) As used in this Code section, the term:
(1) ’Direct care staff person’ means any employee, volunteer, or contract staff who
provides to residents:
(A) Any personal services, including but not limited to, medication administration or
assistance, assistance with ambulation and transfer, and essential activities of daily
living such as eating, bathing, grooming, dressing, and toileting; or
(B) Any other limited nursing services.
(2) ’Personal care home’ means any dwelling, whether operated for profit or not,
which undertakes through its ownership or management to provide or arrange for the
provision of housing, food service, and one or more personal services for two or more

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adults who are not related to the owner or administrator by blood or marriage. This term
shall not include host homes, as defined in paragraph (18) of subsection (b) of Code
Section 37-1-20.

(3) '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; provided, however, that the department shall be
authorized to grant a waiver of this provision in the same manner as provided for in Code
Section 31-7-12.3 for the waiver of rules and regulations and in the same manner and
only to the same extent as granted on or before June 30, 2011.

(b) All personal care homes shall be licensed as provided for in Code Section 31-7-3,
except that, in lieu of licensure, the department may require persons who operate personal
care homes with two or three beds for nonfamily adults to comply with registration
requirements delineated by the department. Such registration requirements within this
category shall authorize the department to promulgate pursuant to Chapter 13 of Title 50,
the 'Georgia Administrative Procedure Act,' reasonable standards to protect the health,
safety, and welfare of the occupants of such personal care homes.

(c) Upon the designation by the department and with the consent of county boards of
health, such boards may act as agents to the department in performing inspections and other
authorized functions regarding personal care homes licensed under this chapter. With
approval of the department, county boards of health may establish inspection fees to defray
part of the costs of inspections performed for the department.

(d) The state ombudsman or community ombudsman, on that ombudsman's initiative or
in response to complaints made by or on behalf of residents of a registered or licensed
personal care home, may conduct investigations in matters within the ombudsman's powers
and duties.

(e) The department shall promulgate procedures to govern the waiver, variance, and
exemption process related to personal care homes pursuant to Chapter 2 of this title. Such
procedures shall include published, measurable criteria for the decision process, shall take
into account the need for protection of public and individual health, care, and safety, and
shall afford an opportunity for public input into the process.

(f) On and after July 1, 2021, personal care homes with 25 or more beds shall be required
to meet the following staffing and training requirements:

(1) Ensure that each direct care staff person receives initial and annual training covering
topics specified by the department to ensure a demonstrated knowledge and
understanding of caring for elderly and disabled adults; and
(2) Maintain a minimum on-site staffing ratio of one direct care staff person for every 15 residents at all times; provided, however, that such ratio is adequate to meet the needs of the residents.

(g) On and after July 1, 2021, personal care homes with 25 or more beds shall be required to meet the following financial stability requirements:

(1) Upon application for licensure, provide a financial stability affidavit to the department from a certified public accountant affirming the applicant's ability to operate as a going concern for the next two years;

(2) Provide a minimum of 60 days' written notice to the department and all residents of any impending bankruptcy or property eviction that may force discharge or relocation of residents or otherwise adversely impact the provision of safe care and oversight; and

(3) Provide a minimum of 14 days' written notice to the department and all residents of any impending change of ownership that may force discharge or relocation of residents or otherwise adversely impact the provision of safe care and oversight."

SECTION 5.

Said title is further amended in Code Section 31-7-12.2, relating to regulation and licensing of assisted living communities, by revising subsections (b) and (f) and by adding new subsections to read as follows:

"(b) As used in this Code section, the term:

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

(2) 'Assisted living care' includes:

(A) Personal services, which 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;

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

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

(D) The provision of limited nursing services.

(3) 'Assisted living community' means a personal care home with a minimum of 25 beds that is licensed as an assisted living community pursuant to Code Section 31-7-3.
(4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an assisted living community, to a designated point of safety and within an established period of time as determined by the Office of the Safety Fire Commissioner. Assisted self-preservation is a function of all of the following:

(A) The condition of the individual;
(B) The assistance that is available to be provided to the individual by the staff of the assisted living community; and
(C) The construction of the building in which the assisted living community is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

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

(6) 'Direct care staff person' means any employee, volunteer, or contract staff who provides to residents:

(A) Any personal services, including but not limited to, medication administration or assistance, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting; or

(B) Any other limited nursing services.

(7) 'Limited nursing services' means the assessment of the physical, mental, and emotional status to determine the appropriate level of care for an individual; the performance of health maintenance activities, as defined in division (a)(9)(C)(ii) of Code Section 43-26-12; and the provision of any nursing care within the direct care staff person's scope of practice that can be completed within seven days."

"(f) An assisted living community shall not admit or retain an individual who is in need of continuous medical or nursing care. Other than as permitted by a medication aide pursuant to paragraph (7) of subsection (g) of this Code section or for limited nursing services provided by a registered professional nurse or licensed practical nurse pursuant to subparagraph (b)(2)(D) of this Code section, medical, nursing, or health services required on a periodic basis, or for short-term illness, shall not be provided as services of an assisted living community. When such services are required, they shall be purchased by the resident or the resident's representative or legal surrogate, if any, from appropriate providers managed independently from the assisted living community. An assisted living community may assist in arranging for such services, but not in the provision of such services."

"(j) On and after July 1, 2021, all assisted living communities shall be required to meet the following staffing and training requirements:
(1) Ensure that each direct care staff person in the assisted living community receives initial and annual training covering topics specified by the department to ensure a demonstrated knowledge and understanding of caring for elderly and disabled adults; and

(2) Maintain the following minimum staffing requirements:

(A) A minimum on-site staffing ratio of one direct care staff person for every 15 residents during all waking hours and one direct care staff person for every 20 residents during all nonwaking hours; provided, however, that either such ratio is adequate to meet the needs of the residents;

(B) At least two on-site direct care staff persons at all times; and

(C) A registered professional nurse or licensed practical nurse on-site, as follows:

(i) For assisted living communities with one to 30 residents, a minimum of eight hours per week;

(ii) For assisted living communities with 31 to 60 residents, a minimum of 16 hours per week;

(iii) For assisted living communities with 61 to 90 residents, a minimum of 24 hours per week; or

(iv) For assisted living communities with more than 90 residents, a minimum of 40 hours per week.

(k) On and after July 1, 2021, all assisted living communities shall be required to meet the following financial stability requirements:

(1) Upon initial application for an assisted living community license, provide a financial stability affidavit from a certified public accountant affirming the applicant's ability to operate as a going concern for the next two years;

(2) Provide a minimum of 60 days' written notice to the department and all residents of any impending bankruptcy or property eviction that may force discharge or relocation of residents or otherwise adversely impact the provision of safe care and oversight; and

(3) Provide a minimum of 14 days' written notice to the department and all residents of any impending change of ownership that may force discharge or relocation of residents or otherwise adversely impact the provision of safe care and oversight."

SECTION 6.

Said title is further amended in Code Section 31-7-12.3, relating to adoption of rules and regulations to implement Code Sections 31-7-12 and 31-7-12.2, as follows:

"31-7-12.3. The department shall adopt rules and regulations to implement Code Sections 31-7-12 and 31-7-12.2. Such rules and regulations shall establish meaningful distinctions"
between the levels of care provided by personal care homes, assisted living communities, and nursing homes but shall not curtail the scope or levels of services provided by personal care homes or nursing homes as of June 30, 2011; provided, however, that nothing in this chapter shall preclude the department from issuing waivers or variances to personal care homes of the rules and regulations established pursuant to this Code section. Notwithstanding Code Section 31-7-12.2, the department shall not grant a waiver or variance unless:

(1) There are adequate standards affording protection for the health and safety of residents of the personal care home;
(2) The resident of the personal care home provides a medical assessment conducted by a licensed health care professional who is unaffiliated with the personal care home which identifies the needs of the resident; and
(3) The department finds that the personal care home can provide or arrange for the appropriate level of care for the resident."

SECTION 7.

Said title is further amended in Article 1 of Chapter 7, relating to regulation of hospitals and related institutions, by adding a new Code section to read as follows:

"31-7-12.4.
(a) As used in this Code section, the term:
(1) 'Alzheimer's' means having characteristics of Alzheimer's disease, a progressive and degenerative brain disease that causes impairment or change in memory, thinking, or behavior.
(2) 'Assisted living community' means a facility licensed pursuant to Code Section 31-7-12.2.
(3) 'Certificate' means a certificate issued by the department pursuant to this Code section to operate a memory care center.
(4) 'Dementia' means any disease from a class of degenerative brain disorders that cause impairment or changes in memory, thinking, or behavior that are progressive and irreversible. Such diseases include, but are not limited to, Alzheimer's disease, Lewy body dementia, frontotemporal dementia, and vascular dementia.
(5) 'Direct care staff person' means any employee, volunteer, or contract staff who provides to residents:
(A) Any personal services, including but not limited to, medication administration or assistance, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting; or
(B) Any other limited nursing services.

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(6) 'Memory care center' means a freestanding or incorporated specialized unit within an assisted living community or personal care home that either:

(A) Holds itself out as providing additional or specialized care to persons with diagnoses of probable Alzheimer's or other dementias or with cognitive deficits that may place the resident at risk; or
(B) Charges higher rates for care for residents with Alzheimer's or other dementias than for care to other residents.

(7) 'Personal care home' means a facility licensed pursuant to Code Section 31-7-12.

(b) On and after July 1, 2021, no assisted living community or personal care home shall operate a memory care center without first obtaining a certificate from the department. A certificate issued pursuant to this Code section shall not be assignable or transferable. In order to receive a certificate from the department to operate a memory care center, an applicant shall meet and be subject to the requirements contained in this Code section and in rules and regulations established by the department.

(c)(1) A memory care center shall meet the following minimum staffing requirements:

(A) One dementia trained direct care staff person for every 12 residents on-site at all times; provided, however, that such ratio is adequate to meet the needs of the residents;
(B) One licensed social worker or professional counselor on-site at least eight hours per month to support the residents and their family members;
(C) One registered professional nurse, licensed practical nurse, or certified medication aide on-site at all times;
(D) Two direct care staff persons on-site at all times; and
(E) One registered professional nurse or licensed practical nurse on-site or available in the building at all times as follows:
(i) For memory care centers with one to 12 residents, a minimum of eight hours per week;
(ii) For memory care centers with 13 to 30 residents, a minimum of 16 hours per week;
(iii) For memory care centers with 31 to 40 residents, a minimum of 24 hours per week; or
(iv) For memory care centers with more than 40 residents, a minimum of 40 hours per week.

(2) A memory care center shall meet the following training requirements:

(A) All staff, regardless of role, shall receive at least four hours of dementia-specific orientation within the first seven days of working in the center. Such orientation shall include:
(i) Basic information about the nature, progression, and management of Alzheimer's and other dementias;
(ii) Techniques for creating an environment that minimizes challenging behavior from residents with Alzheimer's and other dementias;
(iii) Methods of identifying and minimizing safety risks to residents with Alzheimer's and other dementias; and
(iv) Techniques for successful communication with individuals with Alzheimer's and other dementias;
(B) All direct care staff personnel shall receive initial orientation training prior to caring for residents independently that, at a minimum, includes:
   (i) General training, to include:
      (I) Development, updating, and implementation of comprehensive and individual service plans;
      (II) Skills for recognizing physical or cognitive changes in the resident that warrant seeking medical attention;
      (III) Residents' rights and identification of conduct constituting abuse, neglect, or exploitation;
      (IV) General infection control principles;
      (V) Emergency preparedness training;
      (VI) Emergency first aid; and
      (VII) Cardiopulmonary resuscitation; and
   (ii) Specialized training in dementia care, to include:
      (I) The nature of Alzheimer's and other dementias;
      (II) The center's philosophy related to the care of residents with Alzheimer's and other dementias;
      (III) The center's policies and procedures related to care of residents with Alzheimer's and other dementias;
      (IV) Common behavior problems characteristic of residents with Alzheimer's and other dementias;
      (V) Positive therapeutic interventions and activities;
      (VI) Skills for maintaining the safety of the resident; and
      (VII) The role of the family in caring for residents with Alzheimer's and other dementias;
(C) Direct care staff personnel shall complete a minimum of 16 hours of specialized training in dementia care prior to working independently with residents with Alzheimer's or other dementias, and a minimum of eight hours of such specialized training in dementia care annually thereafter; and
(D) The memory care center shall maintain documentation reflecting course content, instructor qualifications, agenda, and attendance rosters for all training sessions provided.

d) The department shall establish such other requirements as deemed necessary to protect the well-being of residents with Alzheimer's and other dementias, which shall include, but shall not be limited to, requirements relating to:

1. Admission policies and procedures, assessment of residents, and development of written care plans;
2. Physical design, environment, and safety measures to accommodate and protect residents; and
3. Measures and protocols to address and prevent the elopement of residents, including appropriate safety devices and maintaining current photographs of residents.

e) The department shall promulgate rules and regulations to implement the provisions of this Code section.

(f) In accordance with subsection (b) of Code Section 31-2-7, the department upon application or petition may, in its discretion, grant variances and waivers of the rules and regulations applicable to memory care centers.

SECTION 8.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Chapter 27, relating to nursing home administrators, as follows:

"43-27-1.

As used in this chapter, the term:

1. 'Administrator' means a person who operates, manages, supervises, or is in charge of a long-term care facility.
2. 'Assisted living community' means a facility licensed pursuant to Code Section 31-7-12.2.
3. 'Assisted living community administrator' means a person who operates, manages, supervises, or is in charge of an assisted living community.
4. 'Board' means the State Board of Nursing Home Long-Term Care Facility Administrators.
5. 'Long-term care facility' means a personal care home, an assisted living community, or a nursing home.
6. 'Nursing home' has the same meaning as prescribed by the Department of Community Health in the rules and regulations for nursing homes.
7. 'Nursing home administrator' means a person who operates, manages, supervises or is in charge of a nursing home.
(8) 'Personal care home' means a facility licensed pursuant to Code Section 31-7-12 which has 25 or more beds.

(9) 'Personal care home administrator' means a person who operates, manages, supervises, or is in charge of a personal care home.

43-27-2.

(a) There is created the State Board of Nursing Home Long-Term Care Facility Administrators, which shall consist of 13 members, none of whom may be employees of the United States government or of this state; and the commissioner of human services or his or her designee, who shall serve as ex officio member of the board; and the commissioner of community health or his or her designee, who shall serve as ex officio member of the board. The members of the board shall be appointed by the Governor and confirmed by the Senate, as follows:

(1) One member who is a licensed medical doctor in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(2) One member who is a registered nurse in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(3) One member who is an educator with a graduate degree and specializing in the field of gerontology and who is not a nursing home administrator or pecuniarily interested in any nursing home;

(4) Three members of the public at large who are not nursing home administrators or pecuniarily interested in any nursing home or have any connection with the nursing home industry whatsoever. Two of these three public, at-large positions shall be appointed from a list of three persons for each of these two positions submitted by the Board of Community Health. The Governor is vested with complete discretion in appointing the third member for one of these three public, at-large positions;

(5) One member who is a hospital administrator in this state, who is the holder of a master's degree in hospital administration, and who is not a nursing home administrator or pecuniarily interested in any nursing home; and

(6) Six Three members, at least one of whom shall represent nonproprietary nursing homes, who are licensed nursing home administrators in this state; and

(7) Three members, each of whom shall be a licensed personal care home administrator or a licensed assisted living community administrator.

(b) The term for all members shall be three years from the date of appointment. A member may be removed as provided in Code Section 43-1-17, including removal for failing to attend three meetings in one calendar year. All vacancies shall be filled by the Governor.
for the unexpired terms in accordance with the requirements for appointment to the vacant position.

43-27-3.
The board shall elect a chairman and vice-chairman from its membership and such other officers as it shall deem necessary and shall adopt rules and regulations to govern its proceedings. Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2. The division director shall be the executive secretary of the board.

43-27-4.
The board shall have sole and exclusive authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a personal care home, an assisted living community, or a nursing home under this chapter; and the holder of a license under this chapter shall be deemed qualified to serve as the administrator of such personal care home, assisted living community, or nursing home, as applicable.

43-27-5.
(a) The board shall have the following powers and duties:
(1) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure;
(2) To deny, suspend, revoke, or otherwise sanction licenses to practice as an administrator of a personal care home, an assisted living community, or a nursing home under this chapter; and the holder of a license under this chapter shall be deemed qualified to serve as the administrator of such personal care home, assisted living community, or nursing home, as applicable.
(3) To initiate investigations for the purpose of discovering violations of this chapter;
(4) To initiate investigations for the purpose of discovering violations by an administrator of the rules, regulations, or statutes of the Department of Community Health or the Department of Human Services, provided that the board shall investigate those violations only after revocation, limitation, or restriction of participation of the nursing home long-term care facility of which such individual is the administrator in the medical assistance program, if applicable, or the license issued by the Department of Community Health and make written findings as to the causes of the alleged violations;
(5) To conduct hearings upon charges into alleged violations of this chapter;
(6) To prepare or approve all examinations for licensure as a nursing home administrator;
(7) To develop, impose, and enforce standards which must be met by individuals in order to receive or maintain a license as a personal care home administrator, as an assisted living community administrator, and as a nursing home administrator;
(8) To conduct a continuing study and investigation of nursing homes and administrators of nursing homes, long-term care facilities and administrators of such long-term care facilities within the state for the purpose of improving the standards imposed for the licensing of such administrators; and

(9) To adopt such rules and regulations as shall be reasonably necessary for the implementation and enforcement of this chapter. The board shall have the authority to establish, provide, or approve various education programs or courses for personal care home administrators, for assisted living community administrators, and for nursing home administrators and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a prerequisite to their being admitted to the examination or issued a license and requiring licensed nursing home administrators to attend such programs or courses as a prerequisite to their being issued any license renewal.

(b) Nothing in this chapter or in the rules and regulations adopted under this chapter shall be construed to require an applicant for a license as a nursing home administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

43-27-6.

(a)(1) No person shall serve as a nursing home administrator until first obtaining a license from the board.

(2) On and after July 1, 2021, no person shall serve as a personal care home administrator or an assisted living community administrator until first obtaining a license from the board.

(b) The board shall issue licenses as nursing home administrators only to persons who:

(1) Are at least 21 years of age;

(2) Are of reputable and responsible character;

(3) Are of reputable and responsible character;

(4) Meet the standards and the criteria established by the board to evidence the applicant's qualifications by training and experience to operate a personal care home, assisted living community, or nursing home, provided that two years of experience working in a personal care home, assisted living community, or nursing home shall be equivalent to one year of any academic education and training requirements established.
by the board; and such experience may be substituted without limitation for such education and training requirements; and

(5)(4) Satisfactorily pass a written or oral examination, or both, approved by the board to determine the applicable qualifications of the applicant to operate a personal care home, assisted living community, or nursing home.


(a) The board, in its discretion and otherwise subject to this chapter and the rules and regulations of the board promulgated under this chapter prescribing the qualifications for a personal care home administrator license, an assisted living community administrator license, and a nursing home administrator license, may issue a license to a personal care home administrator, assisted living community administrator, or nursing home administrator who has been issued a license by the proper authorities of any state or issued a certificate of qualification by any national organization, upon payment of a fee to be fixed by the board and upon submission of evidence satisfactory to the board that such other state or national organization maintains a system and standard of qualifications and examinations for a personal care home administrator license, an assisted living community administrator license, or a nursing home administrator license or certificate which is substantially equivalent to those required in this state.

(b) An applicant for licensure who meets the qualifications of subsection (a) of this Code section may be issued a provisional license by the board to practice as a personal care home administrator, assisted living community administrator, or nursing home administrator which shall be valid until the results of any examination required by the board and for which the applicant is scheduled to take are released. An applicant who has been issued a provisional license will be scheduled by the board to take the first available examination. If the applicant passes the examination, the provisional license shall be valid until the permanent license is issued. If the applicant fails to appear for the examination or if the applicant fails the examination, the provisional license shall become invalid immediately. The board may authorize the issuance of a second provisional license only to an applicant who provides just cause to the board as to why the applicant was unable to appear for the examination.


Each person licensed as a nursing home administrator shall be required to pay a biennial license fee in an amount to be fixed by the board. Such license shall expire on the renewal date established by the division director and shall be renewable for two years upon payment of the biennial license fee. No license fee shall be required of any superintendent
of a state hospital or facility during such time as the superintendent is acting or serving in
the capacity as a nursing home administrator in a state institution and as an employee of
the state.

The board may, for good cause shown and under such conditions as it may prescribe,
restore a license to any person whose license has been suspended or revoked.

43-27-10.
No provision of this chapter shall be construed as prohibiting or preventing a municipality
or county from fixing, charging, assessing, or collecting any license fee, registration fee,
tax, or gross receipt tax on any profession covered by this chapter or upon any related
profession or anyone engaged in any related profession governed by this chapter.

43-27-11.
(a) Any person who acts or serves in the capacity of a personal care home administrator,
assisted living community administrator, or nursing home administrator without holding
a license as a personal care home administrator, assisted living community administrator,
or nursing home administrator, as appropriate, issued in accordance with this chapter shall
be guilty of a misdemeanor.

(b) Any person not licensed under this chapter as a nursing home administrator who holds
himself or herself out to be a licensed nursing home administrator or uses the initials
N.H.A. after his or her name shall be guilty of a misdemeanor."

SECTION 9.

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