

House Bill 987

By: Representatives Cooper of the 43rd, LaHood of the 175th, Jones of the 47th, Petrea of the 166th, Efstrotation of the 104th, and others

A BILL TO BE ENTITLED
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

18 "(9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
19 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
20 and other health care related entities required to be licensed, permitted, registered,
21 certificated, or commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of
22 this title, Chapter 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter
23 6 of Title 49. Such schedules shall be determined in a manner so as to help defray the
24 costs incurred by the department, but in no event to exceed such costs, both direct and
25 indirect, in providing such licensure activities. Such fees may be annually adjusted by
26 the department but shall not be increased by more than the annual rate of inflation as

27 measured by the Consumer Price Index, as reported by the Bureau of Labor Statistics of
 28 the United States Department of Labor. All fees paid thereunder shall be paid into the
 29 general funds of the State of Georgia. It is the intent of the General Assembly that the
 30 proceeds from all fees imposed pursuant to this paragraph be used to support and improve
 31 the quality of licensing services provided by the department;

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

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

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

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

53 SECTION 2.

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

57 "(6)(A) Impose a fine, not to exceed a total of ~~\$25,000.00~~ \$50,000.00, of up to
 58 ~~\$1,000.00~~ \$2,000.00 per day for each violation of a law, rule, regulation, or formal
 59 order related to the initial or ongoing licensing of any agency, facility, institution, or
 60 entity, except as otherwise provided in subparagraph (B) of this paragraph;

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

63 facility which has caused the death of or serious physical harm to a resident in such
 64 facility;

65 (C) No except that no fine may be imposed pursuant to this paragraph against any
 66 nursing facility, nursing home, or intermediate care facility which is subject to
 67 intermediate sanctions under the provisions of 42 U.S.C. Section 1396r(h)(2)(A), as
 68 amended, whether or not those sanctions are actually imposed; or"

69 "(e) The department may deny a license or otherwise restrict a license for any applicant
 70 who has had a license denied, revoked, or suspended within one year of the date of an
 71 application or who has transferred ownership or governing authority of an agency, facility,
 72 institution, or entity subject to regulation by the department within one year of the date of
 73 a new application when such transfer was made in order to avert denial, revocation, or
 74 suspension of a license or to avert the payment of fines assessed by the department
 75 pursuant to this Code section."

76 **SECTION 3.**

77 Said title is further amended in Code Section 31-7-3.2, relating to notice of cited deficiency
 78 and imposition of sanction, by revising subsection (a) as follows:

79 "(a) A personal care home, assisted living community, nursing home, or intermediate care
 80 home licensed under this article shall give notice in the event that such facility has been
 81 cited by the department for any deficiency for which the facility has received notice of the
 82 imposition of any sanction available under federal or state laws or regulations, except
 83 where a plan of correction is the only sanction to be imposed."

84 **SECTION 4.**

85 Said title is further amended in Code Section 31-7-12, relating to the licensure and regulation
 86 of personal care homes, as follows:

87 "31-7-12.

88 (a) As used in this Code section, the term:

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

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

94 (B) Any other limited nursing services.

95 ~~(1)~~(2) 'Personal care home' means any dwelling, whether operated for profit or not,
 96 which undertakes through its ownership or management to provide or arrange for the
 97 provision of housing, food service, and one or more personal services for two or more

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

101 ~~(2)~~(3) 'Personal services' includes, but is not limited to, individual assistance with or
 102 supervision of self-administered medication and essential activities of daily living such
 103 as eating, bathing, grooming, dressing, and toileting. Personal services shall not include
 104 medical, nursing, or health services; provided, however, that the department shall be
 105 authorized to grant a waiver of this provision in the same manner as provided for in Code
 106 Section 31-7-12.3 for the waiver of rules and regulations and in the same manner and
 107 only to the same extent as granted on or before June 30, 2011.

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

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

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

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

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

131 (1) Ensure that each direct care staff person receives initial and annual training covering
 132 topics specified by the department to ensure a demonstrated knowledge and
 133 understanding of caring for elderly and disabled adults; and

134 (2) Maintain a minimum on-site staffing ratio of one direct care staff person for every 15
 135 residents at all times; provided, however, that such ratio is adequate to meet the needs of
 136 the residents.

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

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

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

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

148 **SECTION 5.**

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

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

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

158 (2) 'Assisted living care' includes:

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

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

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

166 (D) The provision of limited nursing services.

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

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

173 (A) The condition of the individual;

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

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

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

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

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

186 (B) Any other limited nursing services.

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

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

203 "(j) On and after July 1, 2021, all assisted living communities shall be required to meet the
 204 following staffing and training requirements:

- 205 (1) Ensure that each direct care staff person in the assisted living community receives
 206 initial and annual training covering topics specified by the department to ensure a
 207 demonstrated knowledge and understanding of caring for elderly and disabled adults; and
 208 (2) Maintain the following minimum staffing requirements:
 209 (A) A minimum on-site staffing ratio of one direct care staff person for every 15
 210 residents during all waking hours and one direct care staff person for every 20 residents
 211 during all nonwaking hours; provided, however, that either such ratio is adequate to
 212 meet the needs of the residents;
 213 (B) At least two on-site direct care staff persons at all times; and
 214 (C) A registered professional nurse or licensed practical nurse on-site, as follows:
 215 (i) For assisted living communities with one to 30 residents, a minimum of eight
 216 hours per week;
 217 (ii) For assisted living communities with 31 to 60 residents, a minimum of 16 hours
 218 per week;
 219 (iii) For assisted living communities with 61 to 90 residents, a minimum of 24 hours
 220 per week; or
 221 (iv) For assisted living communities with more than 90 residents, a minimum of 40
 222 hours per week.
 223 (k) On and after July 1, 2021, all assisted living communities shall be required to meet the
 224 following financial stability requirements:
 225 (1) Upon initial application for an assisted living community license, provide a financial
 226 stability affidavit from a certified public accountant affirming the applicant's ability to
 227 operate as a going concern for the next two years;
 228 (2) Provide a minimum of 60 days' written notice to the department and all residents of
 229 any impending bankruptcy or property eviction that may force discharge or relocation of
 230 residents or otherwise adversely impact the provision of safe care and oversight; and
 231 (3) Provide a minimum of 14 days' written notice to the department and all residents of
 232 any impending change of ownership that may force discharge or relocation of residents
 233 or otherwise adversely impact the provision of safe care and oversight."

234 **SECTION 6.**

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

237 "31-7-12.3.

238 The department shall adopt rules and regulations to implement Code Sections 31-7-12
 239 and 31-7-12.2. ~~Such~~ Notwithstanding the provision of limited nursing services by assisted
 240 living communities, such rules and regulations shall establish meaningful distinctions

241 between the levels of care provided by personal care homes, assisted living communities,
 242 and nursing homes but shall not curtail the scope or levels of services provided by personal
 243 care homes or nursing homes as of June 30, 2011; provided, however, that nothing in this
 244 chapter shall preclude the department from issuing waivers or variances to personal care
 245 homes of the rules and regulations established pursuant to this Code section.
 246 Notwithstanding Code Section 31-7-12.2, the department shall not grant a waiver or
 247 variance unless:

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

255 **SECTION 7.**

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

258 "31-7-12.4.

259 (a) As used in this Code section, the term:

260 (1) 'Alzheimer's' means having characteristics of Alzheimer's disease, a progressive and
 261 degenerative brain disease that causes impairment or change in memory, thinking, or
 262 behavior.

263 (2) 'Assisted living community' means a facility licensed pursuant to Code
 264 Section 31-7-12.2.

265 (3) 'Certificate' means a certificate issued by the department pursuant to this Code
 266 section to operate a memory care center.

267 (4) 'Dementia' means any disease from a class of degenerative brain disorders that cause
 268 impairment or changes in memory, thinking, or behavior that are progressive and
 269 irreversible. Such diseases include, but are not limited to, Alzheimer's disease, Lewy
 270 body dementia, frontotemporal dementia, and vascular dementia.

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

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

276 (B) Any other limited nursing services.

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

279 (A) Holds itself out as providing additional or specialized care to persons with
 280 diagnoses of probable Alzheimer's or other dementias or with cognitive deficits that
 281 may place the resident at risk; or

282 (B) Charges higher rates for care for residents with Alzheimer's or other dementias
 283 than for care to other residents.

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

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

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

292 (A) One dementia trained direct care staff person for every 12 residents on-site at all
 293 times; provided, however, that such ratio is adequate to meet the needs of the residents;

294 (B) One licensed social worker or professional counselor on-site at least eight hours
 295 per month to support the residents and their family members;

296 (C) One registered professional nurse, licensed practical nurse, or certified medication
 297 aide on-site at all times;

298 (D) Two direct care staff persons on-site at all times; and

299 (E) One registered professional nurse or licensed practical nurse on-site or available
 300 in the building at all times as follows:

301 (i) For memory care centers with one to 12 residents, a minimum of eight hours per
 302 week;

303 (ii) For memory care centers with 13 to 30 residents, a minimum of 16 hours per
 304 week;

305 (iii) For memory care centers with 31 to 40 residents, a minimum of 24 hours per
 306 week; or

307 (iv) For memory care centers with more than 40 residents, a minimum of 40 hours
 308 per week.

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

310 (A) All staff, regardless of role, shall receive at least four hours of dementia-specific
 311 orientation within the first seven days of working in the center. Such orientation shall
 312 include:

- 313 (i) Basic information about the nature, progression, and management of Alzheimer's
314 and other dementias;
- 315 (ii) Techniques for creating an environment that minimizes challenging behavior
316 from residents with Alzheimer's and other dementias;
- 317 (iii) Methods of identifying and minimizing safety risks to residents with Alzheimer's
318 and other dementias; and
- 319 (iv) Techniques for successful communication with individuals with Alzheimer's and
320 other dementias;
- 321 (B) All direct care staff personnel shall receive initial orientation training prior to
322 caring for residents independently that, at a minimum, includes:
- 323 (i) General training, to include:
- 324 (I) Development, updating, and implementation of comprehensive and individual
325 service plans;
- 326 (II) Skills for recognizing physical or cognitive changes in the resident that warrant
327 seeking medical attention;
- 328 (III) Residents' rights and identification of conduct constituting abuse, neglect, or
329 exploitation;
- 330 (IV) General infection control principles;
- 331 (V) Emergency preparedness training;
- 332 (VI) Emergency first aid; and
- 333 (VII) Cardiopulmonary resuscitation; and
- 334 (ii) Specialized training in dementia care, to include:
- 335 (I) The nature of Alzheimer's and other dementias;
- 336 (II) The center's philosophy related to the care of residents with Alzheimer's and
337 other dementias;
- 338 (III) The center's policies and procedures related to care of residents with
339 Alzheimer's and other dementias;
- 340 (IV) Common behavior problems characteristic of residents with Alzheimer's and
341 other dementias;
- 342 (V) Positive therapeutic interventions and activities;
- 343 (VI) Skills for maintaining the safety of the resident; and
- 344 (VII) The role of the family in caring for residents with Alzheimer's and other
345 dementias;
- 346 (C) Direct care staff personnel shall complete a minimum of 16 hours of specialized
347 training in dementia care prior to working independently with residents with
348 Alzheimer's or other dementias, and a minimum of eight hours of such specialized
349 training in dementia care annually thereafter; and

350 (D) The memory care center shall maintain documentation reflecting course content,
 351 instructor qualifications, agenda, and attendance rosters for all training sessions
 352 provided.

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

356 (1) Admission policies and procedures, assessment of residents, and development of
 357 written care plans;

358 (2) Physical design, environment, and safety measures to accommodate and protect
 359 residents; and

360 (3) Measures and protocols to address and prevent the elopement of residents, including
 361 appropriate safety devices and maintaining current photographs of residents.

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

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

367 **SECTION 8.**

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

370 "43-27-1.

371 As used in this chapter, the term:

372 (1) 'Administrator' means a person who operates, manages, supervises, or is in charge of
 373 a long-term care facility.

374 (2) 'Assisted living community' means a facility licensed pursuant to Code
 375 Section 31-7-12.2.

376 (3) 'Assisted living community administrator' means a person who operates, manages,
 377 supervises, or is in charge of an assisted living community.

378 ~~(4)~~(4) 'Board' means the State Board of Nursing Home Long-Term Care Facility
 379 Administrators.

380 (5) 'Long-term care facility' means a personal care home, an assisted living community,
 381 or a nursing home.

382 ~~(2)~~(6) 'Nursing home' has the same meaning as prescribed by the Department of
 383 Community Health in the rules and regulations for nursing homes.

384 ~~(3)~~(7) 'Nursing home administrator' means a person who operates, manages, or
 385 supervises or is in charge of a nursing home.

386 (8) 'Personal care home' means a facility licensed pursuant to Code Section 31-7-12
 387 which has 25 or more beds.

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

390 43-27-2.

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

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

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

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

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

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

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

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

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

421 for the unexpired terms in accordance with the requirements for appointment to the vacant
422 position.

423 43-27-3.

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

429 43-27-4.

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

435 43-27-5.

436 (a) The board shall have the following powers and duties:

- 437 (1) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure;
438 (2) To deny, suspend, revoke, or otherwise sanction licenses to practice as ~~a nursing~~
439 ~~home~~ an administrator;
440 (3) To initiate investigations for the purpose of discovering violations of this chapter;
441 (4) To initiate investigations for the purpose of discovering violations by ~~a nursing home~~
442 an administrator of the rules, regulations, or statutes of the Department of Community
443 Health or the Department of Human Services, provided that the board shall investigate
444 those violations only after revocation, limitation, or restriction of participation of the
445 ~~nursing home~~ long-term care facility of which such individual is the administrator in the
446 medical assistance program, if applicable, or the license issued by the Department of
447 Community Health and make written findings as to the causes of the alleged violations;
448 (5) To conduct hearings upon charges into alleged violations of this chapter;
449 (6) To prepare or approve all examinations for licensure as ~~a nursing home~~ an
450 administrator;
451 (7) To develop, impose, and enforce standards which must be met by individuals in order
452 to receive or maintain a license as a personal care home administrator, as an assisted
453 living community administrator, and as a nursing home administrator;

454 (8) To conduct a continuing study and investigation of ~~nursing homes and administrators~~
 455 ~~of nursing homes~~ long-term care facilities and administrators of such long-term care
 456 facilities within the state for the purpose of improving the standards imposed for the
 457 licensing of such administrators; and

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

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

475 43-27-6.

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

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

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

482 (1) Are at least 21 years of age;

483 (2) Are of reputable and responsible character;

484 ~~(3) Reserved;~~

485 ~~(4)~~(3) Meet the standards and the criteria established by the board to evidence the
 486 applicant's qualifications by training and experience to operate a personal care home,
 487 assisted living community, or nursing home, provided that two years of experience
 488 working in a personal care home, assisted living community, or nursing home shall be
 489 equivalent to one year of any academic education and training requirements established

490 by the board; and such experience may be substituted without limitation for such
 491 education and training requirements; and
 492 ~~(5)~~(4) Satisfactorily pass a written or oral examination, or both, approved by the board
 493 to determine the applicable qualifications of the applicant to operate a personal care
 494 home, assisted living community, or nursing home.

495 43-27-7.

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

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

520 43-27-8.

521 Each person licensed as a ~~nursing home~~ an administrator shall be required to pay a biennial
 522 license fee in an amount to be fixed by the board. Such license shall expire on the renewal
 523 date established by the division director and shall be renewable for two years upon
 524 payment of the biennial license fee. No license fee shall be required of any superintendent

525 of a state hospital or facility during such time as the superintendent is acting or serving in
526 the capacity as a nursing home administrator in a state institution and as an employee of
527 the state.

528 43-27-9.

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

531 43-27-10.

532 No provision of this chapter shall be construed as prohibiting or preventing a municipality
533 or county from fixing, charging, assessing, or collecting any license fee, registration fee,
534 tax, or gross receipt tax on any profession covered by this chapter or upon any related
535 profession or ~~any one~~ anyone engaged in any related profession governed by this chapter.

536 43-27-11.

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

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

545 **SECTION 9.**

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