

The House Committee on Health and Human Services offers the following substitute to HB 987:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 30 and Title 31 of the Official Code of Georgia Annotated,
2 relating to the "Disabled Adults and Elder Persons Protection Act" and health, respectively,
3 so as to provide additional measures for the protection of elderly persons; to prohibit
4 retaliation against a person relating to a report that a disabled adult or elder person is in need
5 of protective services or has been the victim of abuse, neglect, or exploitation; to increase the
6 maximum fines for violation by health care facilities; to provide for staffing, training, and
7 financial stability requirements for certain personal care homes and assisted living
8 communities; to provide for limited nursing services in assisted living communities; to
9 provide for certification of memory care centers; to provide for definitions; to amend Title
10 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as
11 to provide for definitions; to rename the State Board of Nursing Home Administrators the
12 State Board of Long-Term Care Facility Administrators; to require licensure of assisted
13 living community administrators and certain personal care home administrators; to revise the
14 composition of the board; to provide for the establishment of additional licensure criteria; to
15 provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the "Disabled
19 Adults and Elder Persons Protection Act," is amended by adding a new Code section to read
20 as follows:

21 "30-5-4.1.

22 No person shall discriminate or retaliate in any manner against:

23 (1) Any person who makes a report pursuant to this chapter, who testifies in any judicial
24 proceeding arising from the report, who provides protective services, who participates in
25 an investigation, or who participates on an Adult Abuse, Neglect, and Exploitation
26 Multidisciplinary Team under the provisions of this chapter; or

27 (2) Any disabled adult or elder person who is the subject of a report."

28 **SECTION 2.**

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

32 "(9) Shall establish, by rule adopted pursuant to Chapter 13 of Title 50, the 'Georgia
33 Administrative Procedure Act,' a schedule of fees for licensure activities for institutions
34 and other health care related entities required to be licensed, permitted, registered,
35 certificated, or commissioned by the department pursuant to Chapter 7, 13, 23, or 44 of
36 this title, Chapter 5 of Title 26, paragraph (8) of this subsection, or Article 7 of Chapter
37 6 of Title 49. Such schedules shall be determined in a manner so as to help defray the
38 costs incurred by the department, but in no event to exceed such costs, both direct and
39 indirect, in providing such licensure activities. Such fees may be annually adjusted by
40 the department but shall not be increased by more than the annual rate of inflation as
41 measured by the Consumer Price Index, as reported by the Bureau of Labor Statistics of
42 the United States Department of Labor. All fees paid thereunder shall be paid into the
43 general funds of the State of Georgia. It is the intent of the General Assembly that the
44 proceeds from all fees imposed pursuant to this paragraph be used to support and improve
45 the quality of licensing services provided by the department;

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

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

59 (i) 'Entity or program' means an agency, center, facility, institution, community living
60 arrangement, drug abuse treatment and education program, or entity subject to
61 regulation by the department under Chapters 7, 13, 22, 23, and 44 of this title;

62 Chapter 5 of Title 26; paragraph (8) of this subsection; and Article 7 of Chapter 6 of
 63 Title 49.
 64 (ii) 'Permit' means any license, permit, registration, certificate, or commission issued
 65 by the department pursuant to the provisions of the law cited in division (i) of this
 66 subparagraph;"

67 SECTION 3.

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

71 "(6)(A) Except as otherwise provided in subparagraph (B) of this paragraph, impose
 72 impose a fine, not to exceed a total of \$25,000.00, of up to \$1,000.00 \$2,000.00 per day
 73 for each violation of a law, rule, regulation, or formal order related to the initial or
 74 ongoing licensing of any agency, facility, institution, or entity, up to a total of
 75 \$40,000.00;

76 (B) Impose a mandatory fine of no less than \$5,000.00 for a violation of a law, rule,
 77 regulation, or formal order related to the initial or ongoing licensing of long-term care
 78 facility which has caused the death of or serious physical harm to a resident in such
 79 facility. For purposes of this subparagraph, the term 'serious physical harm' means an
 80 injury which causes any significant impairment of the physical condition of the resident
 81 as determined by qualified medical personnel;

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

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

93 SECTION 4.

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

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

101 **SECTION 5.**

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

104 "31-7-12.

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

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

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

111 (B) Any other limited nursing services, as defined in subsection (b) of Code Section
 112 31-7-12.2.

113 ~~(1)~~(2) 'Personal care home' means any dwelling, whether operated for profit or not,
 114 which undertakes through its ownership or management to provide or arrange for the
 115 provision of housing, food service, and one or more personal services for two or more
 116 adults who are not related to the owner or administrator by blood or marriage. This term
 117 shall not include host homes, as defined in paragraph (18) of subsection (b) of Code
 118 Section 37-1-20.

119 ~~(2)~~(3) 'Personal services' includes, but is not limited to, individual assistance with or
 120 supervision of self-administered medication and essential activities of daily living such
 121 as eating, bathing, grooming, dressing, and toileting. Personal services shall not include
 122 medical, nursing, or health services; provided, however, that the department shall be
 123 authorized to grant a waiver of this provision in the same manner as provided for in Code
 124 Section 31-7-12.3 for the waiver of rules and regulations and in the same manner and
 125 only to the same extent as granted on or before June 30, 2011.

126 (b) All personal care homes shall be licensed as provided for in Code Section 31-7-3,
 127 except that, in lieu of licensure, the department may require persons who operate personal
 128 care homes with two or three beds for nonfamily adults to comply with registration
 129 requirements delineated by the department. Such registration requirements within this
 130 category shall authorize the department to promulgate pursuant to Chapter 13 of Title 50,

131 the 'Georgia Administrative Procedure Act,' reasonable standards to protect the health,
132 safety, and welfare of the occupants of such personal care homes.

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

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

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

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

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

152 (2) Maintain a minimum on-site staffing ratio of one direct care staff person for every
153 15 residents during all waking hours and one direct care staff person for every 20
154 residents during all nonwaking hours; provided, however, that either such ratio is
155 adequate to meet the needs of the residents.

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

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

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

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

167 (h)(1) A personal care home with 25 or more beds which operates a memory care center
168 in its facility may employ certified medication aides for the purpose of performing the
169 technical aspects of the administration of certain medications in accordance with this
170 subsection. Any such personal care home may utilize certified medication aides in its
171 memory care center and anywhere in the same building in which the memory care center
172 is located. A personal care home that employs one or more certified medication aides
173 must have a safe medication and treatment administration system that meets all the
174 requirements of this subsection.

175 (2) A personal care home may not employ an individual as a medication aide unless such
176 individual is listed in the medication aide registry established by the department pursuant
177 to paragraph (2) of subsection (g) of Code Section 31-7-12.2 in good standing. An
178 applicant for certification as a medication aide shall meet the qualifications contained in
179 paragraph (3) of subsection (g) of Code Section 31-7-12.2.

180 (3) A personal care home shall annually conduct a comprehensive clinical skills
181 competency review of each medication aide employed by the personal care home.

182 (4) A medication aide who meets the criteria established in this subsection shall be
183 permitted to perform the following tasks in a personal care home in accordance with the
184 written instructions of a physician:

185 (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and
186 rectal medications;

187 (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and
188 protocol;

189 (C) Administer medication via a metered dose inhaler;

190 (D) Conduct finger stick blood glucose testing following established protocol;

191 (E) Administer a commercially prepared disposable enema as ordered by a physician;

192 (F) Assist residents in the supervision of self-administration of medication; and

193 (G) Administer liquid morphine to a resident of the personal care home who is the
194 patient of a licensed hospice, pursuant to a hospice physician's written order that
195 contains specific instructions for indication, dosage, frequency, and route of
196 administration, provided that the licensed hospice consents to the use and
197 administration of liquid morphine as described in this subparagraph. The medication
198 aide shall observe and document the resident's need for all 'as needed' (PRN) liquid
199 morphine in such resident's record and such indications of need may include
200 verbalizations of pain, groaning, grimacing, or restlessness. The initial dose of any
201 liquid morphine administered pursuant to this subparagraph shall be administered and
202 assessed by a licensed hospice health care professional to observe and address any
203 adverse reactions to such medication. The personal care home shall ensure that any

204 medication aides who will be administering liquid morphine to any hospice patients in
205 such personal care home pursuant to this subparagraph receive adequate training from
206 a licensed hospice on the safe and proper administration of liquid morphine prior to
207 such administration and on an annual basis thereafter. The personal care home shall
208 maintain documentation of all training provided and shall adhere to all security and
209 storage requirements for liquid morphine required under state and federal law,
210 including, but not limited to, any rules promulgated by the department.
211 Notwithstanding the foregoing, the supply of liquid morphine on-site at the personal
212 care home shall be limited to no more than 50 ml for each hospice patient in the
213 personal care home and shall only be administered under limited circumstances when
214 a licensed hospice health care professional is not otherwise available. The department
215 shall promulgate rules and regulations to implement this subparagraph.

216 (5) A medication aide shall record in the medication administration record all
217 medications that such medication aide has personally administered to a resident of a
218 personal care home and any refusal of a resident to take a medication. A medication aide
219 shall observe a resident to whom medication has been administered and shall report any
220 changes in the condition of such resident to the personal representative or legal surrogate
221 of such resident.

222 (6) All medication administered by a medication aide in accordance with this subsection
223 shall be in unit or multidose packaging.

224 (7) A personal care home that employs one or more medication aides to administer
225 medications in accordance with this subsection shall secure the services of a licensed
226 pharmacist to perform the following duties:

227 (A) Perform a quarterly review of the drug regimen of each resident of the personal
228 care home and report any irregularities to the personal care home administrator;

229 (B) Remove for proper disposal any drugs that are expired, discontinued, in a
230 deteriorated condition, or when the resident for whom such drugs were ordered is no
231 longer a resident;

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

234 (D) Monitor compliance with established policies and procedures for medication
235 handling and storage.

236 (8) A personal care home that employs one or more medication aides to administer
237 medications in accordance with this subsection shall ensure that each medication aide
238 receives ongoing medication training as prescribed by the department. A registered
239 professional nurse or licensed pharmacist shall conduct random medication

240 administration observations on a quarterly basis and report any issues to the personal care
 241 home administrator."

242 **SECTION 6.**

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

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

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

252 (2) 'Assisted living care' includes:

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

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

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

260 (D) The provision of limited nursing services.

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

263 (4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an
 264 assisted living community, to a designated point of safety and within an established
 265 period of time as determined by the ~~Office~~ office of the Safety Fire Commissioner.

266 Assisted self-preservation is a function of all of the following:

267 (A) The condition of the individual;

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

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

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

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

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

280 (B) Any other limited nursing services.

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

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

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

299 (1) Ensure that each direct care staff person in the assisted living community receives
 300 initial and annual training covering topics specified by the department to ensure a
 301 demonstrated knowledge and understanding of caring for elderly and disabled adults; and

302 (2) Maintain the following minimum staffing requirements:

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

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

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

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

- 311 (ii) For assisted living communities with 31 to 60 residents, a minimum of 16 hours
 312 per week;
 313 (iii) For assisted living communities with 61 to 90 residents, a minimum of 24 hours
 314 per week; or
 315 (iv) For assisted living communities with more than 90 residents, a minimum of 40
 316 hours per week.
- 317 (k) On and after July 1, 2021, all assisted living communities shall be required to meet the
 318 following financial stability requirements:
- 319 (1) Upon initial application for an assisted living community license, provide a financial
 320 stability affidavit from a certified public accountant affirming the applicant's ability to
 321 operate as a going concern for the next two years;
- 322 (2) Provide a minimum of 60 days' written notice to the department and all residents of
 323 any impending bankruptcy or property eviction that may force discharge or relocation of
 324 residents or otherwise adversely impact the provision of safe care and oversight; and
- 325 (3) Provide a minimum of 14 days' written notice to the department and all residents of
 326 any impending change of ownership that may force discharge or relocation of residents
 327 or otherwise adversely impact the provision of safe care and oversight."

328 **SECTION 7.**

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

331 "31-7-12.3.

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

- 342 (1) There are adequate standards affording protection for the health and safety of
 343 residents of the personal care home;
- 344 (2) The resident of the personal care home provides a medical assessment conducted by
 345 a licensed health care professional who is unaffiliated with the personal care home which
 346 identifies the needs of the resident; and

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

349 **SECTION 8.**

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

352 "31-7-12.4.

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

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

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

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

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

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

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

370 (B) Any other limited nursing services, as defined in subsection (b) of Code Section
371 31-7-12.2.

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

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

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

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

380 (b) On and after July 1, 2021, no assisted living community or personal care home shall
381 operate a memory care center without first obtaining a certificate from the department. A
382 certificate issued pursuant to this Code section shall not be assignable or transferable. In

383 order to receive a certificate from the department to operate a memory care center, an
 384 applicant shall meet and be subject to the requirements contained in this Code section and
 385 in rules and regulations established by the department.

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

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

389 (B) One registered professional nurse, licensed practical nurse, or certified medication
 390 aide on-site at all times;

391 (C) Two direct care staff persons on-site at all times; and

392 (D) One registered professional nurse or licensed practical nurse on-site or available
 393 in the building at all times as follows:

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

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

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

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

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

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

406 (i) Basic information about the nature, progression, and management of Alzheimer's
 407 and other dementias;

408 (ii) Techniques for creating an environment that minimizes challenging behavior
 409 from residents with Alzheimer's and other dementias;

410 (iii) Methods of identifying and minimizing safety risks to residents with Alzheimer's
 411 and other dementias; and

412 (iv) Techniques for successful communication with individuals with Alzheimer's and
 413 other dementias;

414 (B) All direct care staff personnel shall receive initial orientation training prior to
 415 caring for residents independently that, at a minimum, includes:

416 (i) General training, to include:

417 (I) Development, updating, and implementation of comprehensive and individual
 418 service plans;

- 419 (II) Skills for recognizing physical or cognitive changes in the resident that warrant
420 seeking medical attention;
- 421 (III) Residents' rights and identification of conduct constituting abuse, neglect, or
422 exploitation;
- 423 (IV) General infection control principles;
- 424 (V) Emergency preparedness training;
- 425 (VI) Emergency first aid; and
- 426 (VII) Cardiopulmonary resuscitation; and
- 427 (ii) Specialized training in dementia care, to include:
- 428 (I) The nature of Alzheimer's and other dementias;
- 429 (II) The center's philosophy related to the care of residents with Alzheimer's and
430 other dementias;
- 431 (III) The center's policies and procedures related to care of residents with
432 Alzheimer's and other dementias;
- 433 (IV) Common behavior problems characteristic of residents with Alzheimer's and
434 other dementias;
- 435 (V) Positive therapeutic interventions and activities;
- 436 (VI) Skills for maintaining the safety of the resident; and
- 437 (VII) The role of the family in caring for residents with Alzheimer's and other
438 dementias;
- 439 (C) Direct care staff personnel shall complete a minimum of 16 hours of specialized
440 training in dementia care prior to working independently with residents with
441 Alzheimer's or other dementias, and a minimum of eight hours of such specialized
442 training in dementia care annually thereafter; and
- 443 (D) The memory care center shall maintain documentation reflecting course content,
444 instructor qualifications, agenda, and attendance rosters for all training sessions
445 provided.
- 446 (d) The department shall establish such other requirements as deemed necessary to protect
447 the well-being of residents with Alzheimer's and other dementias, which shall include, but
448 shall not be limited to, requirements relating to:
- 449 (1) Admission policies and procedures, assessment of residents, and development of
450 written care plans;
- 451 (2) Physical design, environment, and safety measures to accommodate and protect
452 residents; and
- 453 (3) Measures and protocols to address and prevent the elopement of residents, including
454 appropriate safety devices and maintaining current photographs of residents.

455 (e) The department shall promulgate rules and regulations to implement the provisions of
 456 this Code section.
 457 (f) In accordance with subsection (b) of Code Section 31-2-7, the department upon
 458 application or petition may, in its discretion, grant variances and waivers of the rules and
 459 regulations applicable to memory care centers."

460 SECTION 9.

461 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 462 is amended by revising Chapter 27, relating to nursing home administrators, as follows:
 463 "43-27-1.

464 As used in this chapter, the term:

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

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

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

471 ~~(4)~~(4) 'Board' means the State Board of ~~Nursing Home~~ Long-Term Care Facility
 472 Administrators.

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

475 ~~(2)~~(6) 'Nursing home' has the same meaning as prescribed by the Department of
 476 Community Health in the rules and regulations for nursing homes.

477 ~~(3)~~(7) 'Nursing home administrator' means a person who operates, manages, or
 478 supervises or is in charge of a nursing home.

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

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

483 43-27-2.

484 (a) There is created the State Board of ~~Nursing Home~~ Long-Term Care Facility
 485 Administrators, which, on and after July 1, 2020, shall consist of 13 nine members, ~~none~~
 486 of whom may be employees of the United States government or of this state, and the
 487 commissioner of human services or his or her designee, who shall serve as ex officio
 488 member of the board, and the commissioner of community health or his or her designee,

489 ~~who shall serve as ex officio member of the board.~~ The members of the board shall be
 490 appointed by the Governor and confirmed by the Senate, as follows:

491 (1) Three members who are nursing home administrators in this state, at least one of
 492 whom shall represent nonproprietary nursing homes;

493 (2) Three members each of whom are either a personal care home administrator or an
 494 assisted living community administrator; provided, however, that on and after July 1,
 495 2021, all successor members appointed pursuant to this paragraph shall be either a
 496 licensed personal care home administrator or a licensed assisted living community
 497 administrator;

498 (3) Two members of the public at large who are not personal care home administrators,
 499 assisted living community administrators, or nursing home administrators or pecuniarily
 500 interested in any personal care home, assisted living community, or nursing home, or
 501 have any connection with the personal care home, assisted living community, or nursing
 502 home industry whatsoever; and

503 (4) One member who is a health care professional with at least a bachelor's degree,
 504 experience in elder care, and knowledge in dementia care and who is not a personal care
 505 home administrator, assisted living community administrator, or nursing home
 506 administrator or pecuniarily interested in any personal care home, assisted living
 507 community, or nursing home, or has any connection with the personal care home, assisted
 508 living community, or nursing home industry whatsoever; and

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

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

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

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

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

525 ~~(6) Six members, at least one of whom shall represent nonproprietary nursing homes,~~
 526 ~~who are licensed nursing home administrators in this state.~~

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

532 43-27-3.

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

538 43-27-4.

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

544 43-27-5.

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

- 546 (1) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure;
 547 (2) To deny, suspend, revoke, or otherwise sanction licenses to practice as a ~~nursing~~
 548 ~~home~~ an administrator;
 549 (3) To initiate investigations for the purpose of discovering violations of this chapter;
 550 (4) To initiate investigations for the purpose of discovering violations by a ~~nursing home~~
 551 an administrator of the rules, regulations, or statutes of the Department of Community
 552 Health or the Department of Human Services, provided that the board shall investigate
 553 those violations only after revocation, limitation, or restriction of participation of the
 554 ~~nursing home~~ long-term care facility of which such individual is the administrator in the
 555 medical assistance program, if applicable, or the license issued by the Department of
 556 Community Health and make written findings as to the causes of the alleged violations;
 557 (5) To conduct hearings upon charges into alleged violations of this chapter;

- 558 (6) To prepare or approve all examinations for licensure as a ~~nursing home~~ an
 559 administrator;
- 560 (7) To develop, impose, and enforce standards which must be met by individuals in order
 561 to receive or maintain a license as a personal care home administrator, as an assisted
 562 living community administrator, and as a nursing home administrator;
- 563 (8) To conduct a continuing study and investigation of ~~nursing homes and administrators~~
 564 ~~of nursing homes~~ long-term care facilities and administrators of such long-term care
 565 facilities within the state for the purpose of improving the standards imposed for the
 566 licensing of such administrators; and
- 567 (9) To adopt such rules and regulations as shall be reasonably necessary for the
 568 implementation and enforcement of this chapter. The board shall have the authority to
 569 establish, provide, or approve various education programs or courses for personal care
 570 home administrators, for assisted living community administrators, and for nursing home
 571 administrators and to prescribe rules and regulations requiring applicants for licenses as
 572 ~~nursing home~~ administrators to attend such programs or courses as a prerequisite to their
 573 being admitted to the examination or issued a license and requiring licensed ~~nursing~~
 574 ~~home~~ administrators to attend such programs or courses as a prerequisite to their being
 575 issued any license renewal.
- 576 (b) Nothing in this chapter or in the rules and regulations adopted under this chapter shall
 577 be construed to require an applicant for a license as a ~~nursing home~~ an administrator who
 578 is certified by a recognized church or religious denomination which teaches reliance on
 579 spiritual means alone for healing as having been approved to administer institutions
 580 certified by such church or denomination for the care and treatment of the sick in
 581 accordance with its teachings to demonstrate proficiency in any medical techniques or to
 582 meet any medical educational qualifications or medical standards not in accord with the
 583 remedial care and treatment provided in such institutions.

584 43-27-6.

- 585 (a)(1) No person shall serve as a nursing home administrator until first obtaining a
 586 license from the board.
- 587 (2) On and after July 1, 2021, no person shall serve as a personal care home
 588 administrator or an assisted living community administrator until first obtaining a license
 589 from the board; provided, however, that an individual hired as a personal care home
 590 administrator or assisted living community administrator shall have 60 days from the date
 591 of hire to obtain such licensure.
- 592 (b) The board shall issue licenses as ~~nursing home~~ administrators only to persons who:
 593 (1) Are at least 21 years of age;

594 (2) Are of reputable and responsible character;
 595 ~~(3) Reserved;~~
 596 ~~(4)~~(3) Meet the standards and the criteria established by the board to evidence the
 597 applicant's qualifications by training and experience to operate a personal care home,
 598 assisted living community, or nursing home, provided that two years of experience
 599 working in a personal care home, assisted living community, or nursing home shall be
 600 equivalent to one year of any academic education and training requirements established
 601 by the board; and such experience may be substituted without limitation for such
 602 education and training requirements; and
 603 ~~(5)~~(4) Satisfactorily pass a written or oral examination, or both, approved by the board
 604 to determine the applicable qualifications of the applicant to operate a personal care
 605 home, assisted living community, or nursing home.

606 43-27-7.

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

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

629 who provides just cause to the board as to why the applicant was unable to appear for the
630 examination.

631 43-27-8.

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

639 43-27-9.

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

642 43-27-10.

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

647 43-27-11.

648 (a) Any person who acts or serves in the capacity of a nursing home administrator without
649 holding a license as a nursing home administrator issued in accordance with this chapter
650 shall be guilty of a misdemeanor.

651 (b) Any person who knowingly acts or serves in the capacity of a personal care home
652 administrator or assisted living community administrator without holding an appropriate
653 license as such, issued in accordance with this chapter, shall be guilty of a misdemeanor.

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

657 **SECTION 10.**

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