

House Bill 309

By: Representatives Cooper of the 45<sup>th</sup>, Fleming of the 114<sup>th</sup>, Dempsey of the 13<sup>th</sup>, and LaHood of the 175<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to regulation of hospitals and related institutions, so as to revise provisions relating  
3 to financial stability requirements for applicants and licensees of personal care homes and  
4 assisted living communities; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
9 regulation of hospitals and related institutions, is amended in Code Section 31-7-12, relating  
10 to personal care homes, licensure and registration, inspection by local boards, fees,  
11 investigations, waiver, variance, or exemption, staffing, training, and financial stability  
12 requirements, and certified medication aides, by revising subsection (g) as follows:

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

15 (1) Upon initial application for licensure or upon a change of ownership, provide a  
16 financial stability affidavit to the department from a certified public accountant affirming

17 the applicant's or licensee's financial status. ~~ability to operate as a going concern for the~~  
 18 ~~next two years;~~ The department shall establish a mandatory financial stability affidavit  
 19 form pursuant to rules and regulations to be used for purposes of this paragraph and shall  
 20 assess the applicant's or licensee's financial status, in its own discretion, based on such  
 21 financial stability affidavit;

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

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

28

## SECTION 2.

29 Said article is further amended in Code Section 31-7-12.2, relating to regulation and  
 30 licensing of assisted living communities, legislative intent, definitions, procedures, and  
 31 requirements for medication aides, by revising subsection (k) as follows:

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

34 (1) Upon initial application for an assisted living community license or upon a change  
 35 of ownership, provide a financial stability affidavit from a certified public accountant  
 36 affirming the applicant's or licensee's financial status. ~~ability to operate as a going~~  
 37 ~~concern for the next two years;~~ The department shall establish a mandatory financial  
 38 stability affidavit form pursuant to rules and regulations to be used for purposes of this  
 39 paragraph and shall assess the applicant's or licensee's financial status, in its own  
 40 discretion, based on such financial stability affidavit;

41 (2) Provide a minimum of 60 days' written notice to the department and all residents of  
42 any impending bankruptcy or property eviction that may force discharge or relocation of  
43 residents or otherwise adversely impact the provision of safe care and oversight; and  
44 (3) Provide a minimum of 14 days' written notice to the department and all residents of  
45 any impending change of ownership that may force discharge or relocation of residents  
46 or otherwise adversely impact the provision of safe care and oversight."

47 **SECTION 3.**

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