

House Bill 1430

By: Representatives Taylor of the 173<sup>rd</sup>, Dempsey of the 13<sup>th</sup>, Burchett of the 176<sup>th</sup>, Newton of the 127<sup>th</sup>, and Cooper of the 45<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 the regulation of hospitals and related institutions, so as to provide for the  
3 Department of Community Health to license supportive senior housing communities; to  
4 provide for definitions; to provide for type of residents; to provide for the employment of  
5 certified medication aides; to provide for a written care plan for residents; to provide for  
6 staffing and training requirements; to provide for financial stability requirements; to provide  
7 for the development of rate methodology; to provide for a waiver request to be submitted;  
8 to amend Titles 10, 16, 25, 26, 31, and 33, relating to commerce and trade, crimes and  
9 offenses, fire protection and safety, food, drugs, and cosmetics, health, and insurance,  
10 respectively, so as to provide for supportive senior housing communities in certain  
11 definitions, protections, and procedures; to provide for unfair or deceptive practices; to  
12 provide for the protection of elder persons and identity fraud; to provide for fire and safety  
13 requirements; to provide for durable medical equipment supplier license requirements; to  
14 provide for communications with ombudsman; to provide for notice of deficiency; to provide  
15 for the Department of Community Health to establish meaningful distinctions between the  
16 levels of care at licensed facilities; to provide for COVID-19 requirements; to provide for  
17 employer based programs; to provide for influenza education information; to provide for  
18 residential care facilities for the elderly; to provide for hospice and palliative care; to provide

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19 background checks; to provide for the ombudsman program; to provide for remedies and  
20 protections of residents; to provide for the drug repository program; to provide for continuing  
21 care providers and facilities; to provide for related matters; to provide for an effective date;  
22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **PART I**  
25 **SECTION 1-1.**

26 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the  
27 regulation of hospitals and related institutions, is amended by revising Code  
28 Section 31-7-12.6, which is reserved, as follows:

29 "31-7-12.6.

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

31 (1) 'Direct care staff person' shall have the same meaning as set forth in Code  
32 Section 31-7-12.2.

33 (2) 'Limited nursing services' shall have the same meaning as set forth in Code  
34 Section 31-7-12.2.

35 (3) 'Nursing staff person' means a certified nurse aide, certified medication aide, licensed  
36 practical nurse, registered nurse, registered professional nurse, or advanced practice  
37 registered nurse.

38 (4) 'Supportive senior care' means and includes:

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

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

44 (C) The provision of limited nursing services;

45 (D) Weekly laundry and housekeeping services;

46 (E) Periodic scheduled medical transportation; and

47 (F) Social and recreational programming.

48 (5) 'Supportive senior housing community' means a facility with a minimum of 25 beds  
49 and a maximum of 150 units in which each resident has his or her own apartment that is  
50 leased under a separate agreement and where more than 50 percent of the resident  
51 population is composed of recipients of medical assistance as defined in Code Section  
52 49-4-141 and that is licensed as a supportive senior housing community pursuant to this  
53 article.

54 (b) The department is authorized to license supportive senior housing communities to  
55 provide supportive senior care to individuals as established in this Code section.

56 (c) A supportive senior housing community shall not admit or retain an individual who is  
57 in need of 24 hour per day comprehensive nursing care or continuous medical or nursing  
58 care; provided, however, that supportive senior care may be provided by direct care staff  
59 persons, limited nursing services may be provided by direct care staff persons or nursing  
60 staff persons, and certain medications may be administered by certified medication aides  
61 pursuant to subsection (d) of this Code section.

62 (d)(1) A supportive senior housing community may employ certified medication aides  
63 for the purpose of performing the technical aspects of the administration of certain  
64 medications in accordance with this subsection. A supportive senior housing community  
65 that employs one or more certified medication aides shall have a safe medication and  
66 treatment administration system that meets all the requirements of this subsection.

67 (2) A supportive senior housing community shall not employ an individual as a certified  
68 medication aide unless such individual is listed in the medication aide registry established

69 and maintained by the department pursuant to paragraph (2) of subsection (g) of Code  
70 Section 31-7-12.2, is in good standing with the department, and has met all of the  
71 qualifications in paragraph (3) of such subsection.

72 (3) A supportive senior housing community shall annually conduct a comprehensive  
73 clinical skills competency review of each certified medication aide employed by such  
74 community.

75 (4) A certified medication aide who meets the criteria established in this Code section  
76 shall be permitted to perform the following tasks in a supportive senior housing  
77 community in accordance with the written instructions of a physician:

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

80 (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and  
81 protocol;

82 (C) Administer medications via a metered dose inhaler;

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

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

85 (F) Assist residents in the supervision of self-administration of medications; and

86 (G) Administer liquid morphine to a resident of such community who is the patient of  
87 a licensed hospice, pursuant to a hospice physician's written order that contains specific  
88 instructions for indication, dosage, frequency, and route of administration, provided that  
89 the licensed hospice consents to the use and administration of liquid morphine as  
90 described in this subparagraph. The certified medication aide shall observe and  
91 document the resident's need for all 'as needed' (PRN) liquid morphine in such  
92 resident's record, and such indications of need may include verbalizations of pain,  
93 groaning, grimacing, or restlessness. The initial dose of any liquid morphine  
94 administered pursuant to this subparagraph shall be administered and assessed by a  
95 licensed hospice healthcare professional to observe and address any adverse reactions

96 to such medication. Such community shall ensure that any certified medication aides  
97 who will be administering liquid morphine to any hospice patients in such community  
98 pursuant to this subparagraph receive adequate training from a licensed hospice on the  
99 safe and proper administration of liquid morphine prior to such administration and on  
100 an annual basis thereafter. Such community shall maintain documentation of all  
101 training provided and shall adhere to all security and storage requirements for liquid  
102 morphine required under state and federal law, including but not limited to any rules  
103 promulgated by the department. Notwithstanding the foregoing, the supply of liquid  
104 morphine on-site at such community shall be limited to no more than 50 ml for each  
105 hospice patient in the assisted living community and shall only be administered under  
106 limited circumstances when a licensed hospice healthcare professional is not otherwise  
107 available. The department shall promulgate rules and regulations to implement this  
108 subparagraph.

109 (5) A certified medication aide shall record in a medication administration record all  
110 medications that such medication aide has personally administered to a resident of a  
111 supportive senior housing community and any refusal of a resident to take a medication.  
112 A certified medication aide shall observe a resident to whom medication has been  
113 administered and shall report any changes in the condition of such resident to the personal  
114 representative or legal surrogate of such resident.

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

117 (7) A supportive senior housing community that employs one or more certified  
118 medication aides to administer medications in accordance with this subsection shall  
119 secure the services of a licensed pharmacist to perform the following duties:

120 (A) Perform a quarterly review of the drug regimen of each resident of such  
121 community and report any irregularities to the administrator of such community;

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

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

127 (D) Monitor compliance with established policies and procedures for medication  
128 handling and storage.

129 (8) A supportive senior housing community that employs one or more certified  
130 medication aides to administer medications in accordance with this subsection shall  
131 ensure that each certified medication aide receives ongoing medication training as  
132 prescribed by the department. A registered professional nurse or pharmacist shall  
133 conduct random medication administration observations on a quarterly basis and report  
134 any issues to the administrator of such community.

135 (e) A supportive senior housing community shall establish a written care plan for each  
136 resident. Such care plan shall describe the needs of the resident and how such needs will  
137 be met.

138 (f) A supportive senior housing community shall be required to meet the following staffing  
139 and training requirements:

140 (1) Each direct care staff person in the supportive senior housing community receives  
141 initial and annual training covering topics specified by the department to ensure a  
142 demonstrated knowledge and understanding of caring for elderly and disabled adults; and

143 (2) Staff at the supportive senior housing community shall be sufficient in number,  
144 qualifications, and training to meet the 24 hour scheduled and unscheduled needs of the  
145 residents at such community and to provide supportive senior care and limited nursing  
146 services provided at such community. The number, qualifications, and training of staff  
147 shall depend on skills required to provide for the specific needs of the residents; provided,

148 however, that the supportive senior housing community meets the following minimum  
149 staffing requirements:

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

151 (B) An average monthly minimum on-site staffing ratio of one direct care staff person  
152 for every 25 residents during all waking hours and one direct care staff person for  
153 every 40 residents during all nonwaking hours; and

154 (C) A registered professional nurse or licensed practical nurse available as follows:

155 (i) A minimum of eight hours per week when such community has up to 30 residents;

156 (ii) A minimum of 16 hours per week when such community has between 31 and 60  
157 residents;

158 (iii) A minimum of 24 hours per week when such community has between 61 and 90  
159 residents; and

160 (iv) A minimum of 40 hours per week when such community has more than 90  
161 residents.

162 (g) All supportive senior housing communities shall be required to meet certain financial  
163 stability requirements. An applicant or a licensee shall:

164 (1) Upon initial application for a supportive senior housing community license or upon  
165 a change of ownership, provide a financial stability affidavit from a certified public  
166 accountant affirming the applicant's or licensee's financial status. The department shall  
167 establish a mandatory financial stability affidavit form pursuant to rules and regulations  
168 to be used for purposes of this paragraph and shall assess the applicant's or licensee's  
169 financial status, in its own discretion, based on such financial stability affidavit;

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

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

176 (h) The department shall:

177 (1) Collaborate with industry stakeholders to develop a rate methodology to ensure  
178 wide-scale access to supportive senior housing communities. In creating a rate  
179 methodology, the department shall verify the adequacy of the rate to support supportive  
180 senior housing communities financed with low-income housing tax credits and to satisfy  
181 the requisite underwriting metrics for financial viability; and

182 (2) No later than June 30, 2026, prepare and submit a waiver request to the Centers for  
183 Medicare and Medicaid Services of the United States Department of Health and Human  
184 Services. Further, upon approval of the waiver, the department shall be authorized to  
185 take all necessary steps to implement the terms and conditions of the waiver without any  
186 further legislative action.

187 (i) The waiver provided for in paragraph (2) of subsection (h) of this Code section shall  
188 be targeted and limited to individuals who satisfy the following requirements for age,  
189 residency status, financial eligibility, and level of care:

190 (1) Individuals who are 65 years of age or older at the time of initial eligibility  
191 determination;

192 (2) Individuals who are residents of this state and eligible for the state Medicaid program  
193 under an approved eligibility category;

194 (3) Individuals whose countable income does not exceed 300 percent of the benefit rates  
195 determined pursuant to Title XVI of the federal Social Security Act for supplemental  
196 security income, as adjusted annually, and who meet all other applicable Medicaid  
197 financial eligibility requirements, including resource limits, pursuant to federal law and  
198 regulation; and

199 (4) Individuals who meet the nursing facility level of care criteria as defined under the  
 200 state Medicaid program and in accordance with 42 U.S.C. Section 1396r, 42 C.F.R.  
 201 Sections 440.40 and 441.301, and other applicable federal regulations. Reserved."

202 **PART II**  
 203 **SECTION 2-1.**

204 Title 10 of the Official Code of Georgia, relating to commerce and trade, is amended in  
 205 Part 2 of Article 15 of Chapter 1, the "Fair Business Practices Act of 1975," by revising  
 206 paragraph (26) of subsection (b) of Code Section 10-1-393, relating to unfair or deceptive  
 207 practices in consumer transactions unlawful and examples, as follows:

208 "(26) With respect to any individual or facility providing personal care services, ~~or~~  
 209 assisted living care, or supportive senior care:

210 (A) Any person or entity not duly licensed or registered as a personal care home, ~~or~~  
 211 assisted living community, or supportive senior housing community formally or  
 212 informally offering, advertising to, or soliciting the public for residents or referrals; or

213 (B) Any personal care home, as defined in subsection (a) of Code Section 31-7-12, ~~or~~  
 214 any assisted living community, as defined in Code Section 31-7-12.2, or any supportive  
 215 senior housing community, as defined in Code Section 31-7-12.6, offering, advertising,  
 216 or soliciting the public to provide services:

217 (i) Which are outside the scope of personal care services, ~~or~~ assisted living care, or  
 218 supportive senior care, respectively; and

219 (ii) For which it has not been specifically authorized.

220 Nothing in this subparagraph prohibits advertising by a personal care home, ~~or~~ assisted  
 221 living community, or supportive senior housing community for services authorized by  
 222 the Department of Community Health under a waiver or variance pursuant to  
 223 subsection (b) of Code Section 31-2-7.

224 As used in this paragraph, the term: ~~For purposes of this paragraph,~~ 'personal care' means  
 225 protective care and watchful oversight of a resident who needs a watchful environment  
 226 but who does not have an illness, injury, or disability which requires chronic or  
 227 convalescent care including medical and nursing services, ~~and~~ 'assisted living care'  
 228 includes services provided for in Code Section 31-7-12.2, and 'supportive senior care'  
 229 includes services provided for in Code Section 31-7-12.6. The provisions of this  
 230 paragraph shall be enforced following consultation with the Department of Community  
 231 Health which shall retain primary responsibility for issues relating to licensure of any  
 232 individual or facility providing personal care services;"

233 **SECTION 2-2.**

234 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 235 amended in Article 8 of Chapter 5, relating to protection of elder persons, by revising  
 236 paragraph (7) of Code Section 16-5-100, relating to definitions, as follows:

237 "(7) 'Long-term care facility' means any skilled nursing facility, intermediate care home,  
 238 assisted living community, supportive senior housing community, or personal care home  
 239 subject to regulation and licensure by the Department of Community Health and any  
 240 community living arrangement licensed by the Department of Behavioral Health and  
 241 Developmental Disabilities pursuant to Article 1 of Chapter 13 of Title 37."

242 **SECTION 2-3.**

243 Said title is further amended in Article 8 of Chapter 9, relating to identity fraud, by revising  
 244 paragraph (4) of Code Section 16-9-120, relating to definitions, as follows:

245 "(4) 'Health care records' means records however maintained and in whatever form  
 246 regarding an individual's health, including, but not limited to, doctors' and nurses'  
 247 examinations and other notes, examination notes of other medical professionals, hospital  
 248 records, rehabilitation facility records, nursing home records, assisted living facility

249 records, supportive senior housing community records, results of medical tests, X-rays,  
250 CT scans, MRI scans, vision examinations, pharmacy records, prescriptions, hospital  
251 charts, surgical records, mental health treatments and counseling, dental records, and  
252 physical therapy notes and evaluations."

253 **SECTION 2-4.**

254 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
255 amended in Chapter 2, relating to regulation of fire and other hazards to persons and property  
256 generally, by revising subparagraph (b)(1)(J) of Code Section 25-2-13, relating to fire safety  
257 requirements for buildings or structures presenting special hazards, as follows:

258 "(J) Personal care homes, ~~and~~ assisted living communities, and supportive senior  
259 housing communities required to be licensed as such by the Department of Community  
260 Health and having at least seven beds for nonfamily adults, and the Commissioner shall,  
261 pursuant to Code Section 25-2-4, by rule adopt state minimum fire safety standards for  
262 those homes, and any structure constructed as or converted to a personal care home on  
263 or after April 15, 1986, shall be deemed to be a proposed building pursuant to  
264 subsection (d) of Code Section 25-2-14 and that structure may be required to be  
265 furnished with a sprinkler system meeting the standards established by the  
266 Commissioner if he deems this necessary for proper fire safety."

267 **SECTION 2-5.**

268 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,  
269 is amended in Article 1 of Chapter 4, relating to general provisions relative to pharmacists  
270 and pharmacies, by revising paragraph (18.1) of Code Section 26-4-5, relating to definitions,  
271 as follows:

272 "(18.1) 'Institution' means any licensed hospital, nursing home, assisted living  
273 community, personal care home, hospice, health clinic, or prison clinic. Such term shall

274 include a supportive senior housing community for the limited purpose of state licensure;  
275 provided, however, that such community shall not be deemed an institution excluded  
276 from home and community based settings under 42 C.F.R. Section 441.530."

277 **SECTION 2-6.**

278 Said title is further amended in Article 3 of Chapter 4, relating to practice of pharmacy, by  
279 adding a new paragraph to subsection (g) of Code Section 26-4-51, relating to durable  
280 medical equipment supplier license, requirements, exemptions, and rules and regulations, to  
281 read as follows:

282 "(6.1) Supportive senior housing communities;"

283 **SECTION 2-7.**

284 Said title is further amended in Article 13 of Chapter 4, relating to safe medications practice,  
285 by revising paragraph (3) of Code Section 26-4-212, relating to definitions, as follows:

286 "(3) 'Institution' means any licensed hospital, nursing home, assisted living community,  
287 personal care home, or hospice. Such term shall include a supportive senior housing  
288 community for the limited purpose of state licensure; provided, however, that such  
289 community shall not be deemed an institution excluded from home and community based  
290 settings under 42 C.F.R. Section 441.530."

291 **SECTION 2-8.**

292 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Article 1  
293 of Chapter 7, relating to regulation of hospitals and related institutions, by revising paragraph  
294 (4) of Code Section 31-7-1, relating to definitions, as follows:

295 "(4) 'Institution' means:

296 (A) Any building, facility, or place in which are provided two or more beds and other  
297 facilities and services that are used for persons received for examination, diagnosis,

298 treatment, surgery, maternity care, nursing care, assisted living care, supportive senior  
299 care, or personal care for periods continuing for 24 hours or longer and which is  
300 classified by the department, as provided for in this chapter, as either a hospital, nursing  
301 home, assisted living community, or personal care home; such term shall include a  
302 supportive senior housing community for the limited purpose of state licensure;  
303 provided, however, that such community shall not be deemed an institution excluded  
304 from home and community-based settings under 42 C.F.R. Section 441.530;

305 (B) Any health facility wherein abortion procedures under subsections (b) and (c) of  
306 Code Section 16-12-141 are performed or are to be performed;

307 (C) Any building or facility, not under the operation or control of a hospital, which is  
308 primarily devoted to the provision of surgical treatment to patients not requiring  
309 hospitalization and which is classified by the department as an ambulatory surgical  
310 treatment center;

311 (D) Any fixed or mobile specimen collection center or health testing facility where  
312 specimens are taken from the human body for delivery to and examination in a licensed  
313 clinical laboratory or where certain measurements such as height and weight  
314 determination, limited audio and visual tests, and electrocardiograms are made,  
315 excluding public health services operated by the state, its counties, or municipalities;

316 (E) Any building or facility where human births occur on a regular and ongoing basis  
317 and which is classified by the department as a birthing center;

318 (F) Any building or facility which is devoted to the provision of treatment and  
319 rehabilitative care for periods continuing for 24 hours or longer for persons who have  
320 traumatic brain injury, as defined in Code Section 37-3-1; or

321 (G) Any freestanding imaging center where magnetic resonance imaging, computed  
322 tomography (CT) scanning, positron emission tomography (PET) scanning, positron  
323 emission tomography/computed tomography, and other advanced imaging services as  
324 defined by the department by rule, but not including X-rays, fluoroscopy, or ultrasound

325 services, are conducted in a location or setting not affiliated or attached to a hospital or  
 326 in the offices of an individual private physician or single group practice of physicians  
 327 and conducted exclusively for patients of that physician or group practice.  
 328 Such term shall exclude all physicians' and dentists' private offices and treatment rooms  
 329 in which such physicians or dentists primarily see, consult with, and treat patients."

330 **SECTION 2-9.**

331 Said title is further amended in said article by revising subsection (d) of Code Section 31-7-3,  
 332 relating to requirements for permits to operate institutions, as follows:

333 "(d)(1) When an application for licensure to operate a personal care home, as defined in  
 334 ~~subsection (a) of Code Section 31-7-12, or an assisted living community, as defined in~~  
 335 Code Section 31-7-12.2, or a supportive senior housing community, as defined in Code  
 336 Section 31-7-12.6, has been made, the department shall inform the office of the state  
 337 long-term care ombudsman of the name and address of the applicant prior to issuing  
 338 authority to operate or receive residents and shall provide to the ombudsman program an  
 339 opportunity to provide to the department information relevant to the applicant's fitness  
 340 to operate as a licensed personal care home, ~~or an assisted living community, or a~~  
 341 supportive senior housing community.

342 (2) The department may consider any information provided under this subsection, where  
 343 verified by appropriate licensing procedures, in determining whether an applicant meets  
 344 the requirements for licensing.

345 (3) The department shall promulgate regulations setting forth the procedures by which  
 346 the long-term care ombudsman program shall report information to the department or its  
 347 designee as required by this subsection, including a consistent format for the reporting  
 348 of information, safeguards to protect confidentiality, and specified types of information  
 349 which shall be routinely provided by the long-term care ombudsman program.

350 (4) Nothing in this subsection shall be construed to provide any authority to the  
351 long-term care ombudsman program to license or refuse to license the operation of a  
352 personal care home, or an assisted living community, or a supportive senior housing  
353 community."

354 **SECTION 2-10.**

355 Said title is further amended in said article by revising subsection (a) of Code  
356 Section 31-7-3.2, relating to notice requirements for cited deficiency, use of regulatory  
357 violations in civil actions, and use of survey results in advertisements, as follows:

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

364 **SECTION 2-11.**

365 Said title is further amended in said article by revising Code Section 31-7-12.3, relating to  
366 rules, regulations, and waivers for personal care homes and assisted living communities, as  
367 follows:

368 "31-7-12.3.

369 The department shall adopt rules and regulations to implement Code Sections 31-7-12, and  
370 31-7-12.2, and 31-7-12.6. Notwithstanding the provision of limited nursing services by  
371 assisted living communities and supportive senior housing communities, such rules and  
372 regulations shall establish meaningful distinctions between the levels of care provided by  
373 personal care homes, assisted living communities, supportive senior housing communities,  
374 and nursing homes but shall not curtail the scope or levels of services provided by personal

375 care homes or nursing homes as of June 30, 2011; provided, however, that nothing in this  
376 chapter shall preclude the department from issuing waivers or variances to personal care  
377 homes of the rules and regulations established pursuant to this Code section.  
378 Notwithstanding Code Section 31-7-12.2, the department shall not grant a waiver or  
379 variance unless:

380 (1) There are adequate standards affording protection for the health and safety of  
381 residents of the personal care home;

382 (2) The resident of the personal care home provides a medical assessment conducted by  
383 a licensed health care professional who is unaffiliated with the personal care home which  
384 identifies the needs of the resident; and

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

387 **SECTION 2-12.**

388 Said title is further amended in said article by revising subsection (b) of Code  
389 Section 31-7-12.5, relating to notification and other requirements for COVID-19 infections  
390 in personal care homes, as follows:

391 "(b) Each personal care home with 25 or more beds, ~~each~~ assisted living community,  
392 supportive senior housing community, and ~~each~~ nursing home licensed in this state shall:

393 (1) Inform its residents and their representatives or legal surrogates by 5:00 P.M. the next  
394 calendar day following the occurrence of either a single confirmed infection of  
395 COVID-19 or another airborne infectious disease identified by the department or the  
396 federal Centers for Disease Control and Prevention as a threat to public health, or three  
397 or more residents or staff with new-onset of respiratory symptoms occurring within 72  
398 hours of each other. Such information shall:

399 (A) Not include personally identifiable information;

- 400 (B) Include information on mitigating actions implemented to prevent or reduce the  
401 risk of transmission, including if normal operations of the facility will be altered; and  
402 (C) Include any cumulative updates for residents and their representatives or legal  
403 surrogates at least weekly or by 5:00 P.M. the next calendar day following the  
404 occurrence of any subsequent confirmed infection of COVID-19, or whenever three or  
405 more residents or staff with new onset of respiratory symptoms occurs within 72 hours  
406 of each other;
- 407 (2) Maintain a minimum of a seven-day supply of protective masks, surgical gowns, eye  
408 protection, and gloves sufficient to protect all residents and staff;
- 409 (3) Maintain and publish for its residents and their representatives or legal surrogates  
410 policies and procedures pertaining to infection control and mitigation within their  
411 facilities and update such policies and procedures annually; and
- 412 (4) As part of the facility's disaster preparedness plan required pursuant to subsection (c)  
413 of Code Section 31-7-3 and department rules and regulations, include an epidemic and  
414 pandemic plan for influenza and other infectious diseases which conforms to department  
415 and federal Centers for Disease Control and Prevention standards that contains the  
416 following minimum elements:
- 417 (A) Protocols for surveillance and detection of epidemic and pandemic diseases in  
418 residents and staff;
- 419 (B) A communication plan for sharing information with public health authorities,  
420 residents, residents' representatives or their legal surrogates, and staff;
- 421 (C) An education and training plan for residents and staff regarding infection control  
422 protocols;
- 423 (D) An infection control plan that addresses visitation, cohorting measures, sick leave  
424 and return-to-work policies, and testing and immunization policies; and
- 425 (E) A surge capacity plan that addresses protocols for contingency staffing and supply  
426 shortages."

427 **SECTION 2-13.**

428 Said title is further amended in said article by revising subsection (b) of Code  
429 Section 31-7-12.8, relating to certification as nurse aide, employer sponsored training and  
430 competency examination programs, and provisional practice by military medical personnel,  
431 as follows:

432 "(b) The department shall approve employer based programs sponsored by or offered in  
433 assisted living communities, supportive senior housing communities, private home care  
434 providers, personal care homes, or other long-term care facilities licensed by the  
435 department for certified nurse aide training and competency examination programs as  
436 determined by the department."

437 **SECTION 2-14.**

438 Said title is further amended in said article by revising subsections (a) and (b) of Code  
439 Section 31-7-21, relating to provision of influenza education information to assisted living  
440 community residents, as follows:

441 "(a) Each assisted living community and supportive senior housing community shall  
442 annually provide to each of its residents, no later than September 1 of each year,  
443 educational information on influenza disease. Such information shall include, but is not  
444 limited to, the risks associated with influenza disease; the availability, effectiveness, and  
445 known contraindications of the influenza immunization; causes and symptoms of influenza;  
446 and the means in which it is spread. Provision of the appropriate and current Vaccine  
447 Information Statement as provided by the federal Centers for Disease Control and  
448 Prevention shall be deemed to comply with this subsection.

449 (b) Nothing in this Code section shall be construed to require an assisted living community  
450 or supportive senior housing community to provide or pay for any vaccination against  
451 influenza for its residents."

452 **SECTION 2-15.**

453 Said title is further amended in Article 5 of Chapter 7, relating to residential care facilities  
454 for the elderly authorities, by revising paragraph (1) of subsection (a) of Code  
455 Section 31-7-111, relating to legislative findings, as follows:

456 "(1) There exists in this state a seriously inadequate supply of and a critical need for  
457 facilities which can furnish the comprehensive services required by elderly persons in a  
458 single location, including, without limitation, residential care and the types of services  
459 provided in skilled nursing homes, intermediate care homes, assisted living communities,  
460 supportive senior housing communities, and personal care homes (hereinafter referred to  
461 as 'residential care facilities for the elderly');"

462 **SECTION 2-16.**

463 Said title is further amended in said article by revising subparagraph (A) of paragraph (7) of  
464 Code Section 31-7-112, relating to definitions, as follows:

465 "(A) Any one or more buildings or structures to be used in providing at a single  
466 location the comprehensive services required by the elderly, including, without  
467 limitation, residential care and the types of services provided in skilled nursing homes,  
468 intermediate care homes, assisted living communities, supportive senior housing  
469 communities, and personal care homes supplied with all necessary or useful  
470 furnishings, machinery, equipment, parking facilities, landscaping, and facilities for  
471 outdoor storage, all as determined by the authority, which determination shall be final  
472 and not subject to review; provided, however, that no single project or residential care  
473 facility shall be required to render all types of services and levels of care referred to  
474 above. There may be included as part of any such project all improvements necessary  
475 to the full utilization thereof, including, without limitation, site preparation; roads and  
476 streets; sidewalks; water supply; outdoor lighting; belt line railroad; railroad sidings and  
477 lead tracks; bridges; causeways; terminals for railroad, automotive, and air

478 transportation; transportation facilities incidental to the project; and the dredging and  
479 improving of harbors and waterways. However, none of the aforementioned  
480 improvements shall be the primary purpose of any project;"

481 **SECTION 2-17.**

482 Said title is further amended in Article 9 of Chapter 7, relating to hospice care, by revising  
483 paragraph (4) of Code Section 31-7-172, relating to definitions, as follows:

484 "(4) 'Health care facility' means hospitals; other special care units, including but not  
485 limited to podiatric facilities; skilled nursing facilities; intermediate care facilities;  
486 assisted living communities; supportive senior housing communities; personal care  
487 homes; ambulatory surgical or obstetrical facilities; health maintenance organizations;  
488 home health agencies; and diagnostic, treatment, or rehabilitation centers."

489 **SECTION 2-18.**

490 Said title is further amended in Article 10 of Chapter 7, relating to palliative care, by revising  
491 paragraph (2) of Code Section 31-7-191, relating to definitions, as follows:

492 "(2) 'Healthcare facility' means hospitals; other special care units, including but not  
493 limited to podiatric facilities; skilled nursing facilities; intermediate care facilities;  
494 assisted living communities; supportive senior housing communities; personal care  
495 homes; ambulatory surgical or obstetrical facilities; health maintenance organizations;  
496 home health agencies; and diagnostic, treatment, or rehabilitation centers."

497 **SECTION 2-19.**

498 Said title is further amended in Article 14 of Chapter 7, relating to Georgia Long-term Care  
499 Background Check Program, by revising subparagraph (B) of paragraph (8) of Code  
500 Section 31-7-351, relating to definitions, as follows:

501 "(B) An assisted living community required to be licensed under Code  
502 Section 31-7-12.2 or a supportive senior housing community required to be licensed  
503 under Code Section 31-7-12.6;"

504 **SECTION 2-20.**

505 Said title is further amended in Article 3 of Chapter 8, relating to long-term care ombudsman  
506 program, by revising paragraph (2) of Code Section 31-8-51, relating to definitions, as  
507 follows:

508 "(2) 'Long-term care facility' means any skilled nursing home, intermediate care home,  
509 private home care provider, assisted living community, supportive senior housing  
510 community, or personal care home now or hereafter subject to regulation and licensure  
511 by the Department of Community Health."

512 **SECTION 2-21.**

513 Said title is further amended in Article 4 of Chapter 8, relating to reporting abuse or  
514 exploitation of residents in long-term care facilities, by revising paragraph (3) of Code  
515 Section 31-8-81, relating to definitions, as follows:

516 "(3) 'Long-term care facility' or 'facility' means any skilled nursing home, intermediate  
517 care home, assisted living community, supportive senior housing community, or personal  
518 care home now or hereafter subject to regulation and licensure by the department."

519 **SECTION 2-22.**

520 Said title is further amended in Article 5A of Chapter 8, relating to remedies for residents of  
521 personal care homes, by revising paragraph (5) of Code Section 31-8-132, relating to  
522 definitions, as follows:

523 "(5) 'Personal care home' or 'home' means a facility as defined in Code Section 31-7-12  
524 and shall include any assisted living community as defined in paragraph (3) of

525 subsection (b) of Code Section 31-7-12.2 and any supportive senior housing community  
 526 as defined in paragraph (5) of subsection (a) of Code Section 31-7-12.6 that is subject to  
 527 regulation and licensure by the department."

528 **SECTION 2-23.**

529 Said title is further amended in Article 10 of Chapter 8, relating to drug repository program,  
 530 by adding a new subparagraph to paragraph (7) of Code Section 31-8-300, relating to  
 531 definitions, to read as follows:

532 "(C.1) Supportive senior housing community licensed pursuant to Code  
 533 Section 31-7-12.6;"

534 **SECTION 2-24.**

535 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in  
 536 Chapter 45, relating to continuing care providers and facilities, by revising paragraphs (1),  
 537 (8), and (15) of Code Section 33-45-1, relating to definitions, as follows:

538 "(1) 'Continuing care' means furnishing pursuant to a continuing care agreement:

539 (A) Lodging that is not:

540 (i) In a skilled nursing facility, as such term is defined in Code Section 31-6-2;

541 (ii) An intermediate care facility, as such term is defined in Code Section 31-6-2;

542 (iii) An assisted living community, as such term is defined in Code Section  
 543 31-7-12.2, or a supportive senior housing community, as such term is defined in Code  
 544 Section 31-7-12.6; or

545 (iv) A personal care home, as such term is defined in Code Section 31-7-12;

546 (B) Food; and

547 (C) Nursing care provided in a facility or in another setting designated by the  
 548 agreement for continuing care to an individual not related by consanguinity or affinity  
 549 to the provider furnishing such care upon payment of an entrance fee including skilled

550 or intermediate nursing services and, at the discretion of the continuing care provider,  
551 personal care services including, without limitation, assisted living care services  
552 designated by the continuing care agreement, including such services being provided  
553 pursuant to a contract to ensure the availability of such services to an individual not  
554 related by consanguinity or affinity to the provider furnishing such care upon payment  
555 of an entrance fee.

556 Such term shall not include continuing care at home."

557 "(8) 'Limited continuing care' means furnishing pursuant to a continuing care agreement:

558 (A) Lodging that is not:

559 (i) In a skilled nursing facility, as such term is defined in Code Section 31-6-2;

560 (ii) An intermediate care facility, as such term is defined in Code Section 31-6-2;

561 (iii) An assisted living community, as such term is defined in Code  
562 Section 31-7-12.2, or a supportive senior housing community, as such term is defined  
563 in Code Section 31-7-12.6; or

564 (iv) A personal care home, as such term is defined in Code Section 31-7-12;

565 (B) Food; and

566 (C) Personal services, whether such personal services are provided in a facility such  
567 as a personal care home or an assisted living community or in another setting  
568 designated by the continuing care agreement, to an individual not related by  
569 consanguinity or affinity to the provider furnishing such care upon payment of an  
570 entrance fee.

571 Such term shall not include continuing care at home."

572 "(15) 'Residential unit' means a residence or apartment in which a resident lives that is  
573 not a skilled nursing facility as defined in Code Section 31-6-2, an intermediate care  
574 facility as defined in Code Section 31-6-2, an assisted living community as defined in  
575 Code Section 31-7-12.2, a supportive senior housing community, as such term is defined  
576 in Code Section 31-7-12.6, or a personal care home as defined in Code Section 31-7-12."

577

**PART III**

578

**SECTION 3-1.**

579 This Act shall become effective upon its approval by the Governor or upon its becoming law  
580 without such approval.

581

**SECTION 3-2.**

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