

House Bill 1335

By: Representatives LaHood of the 175th, Rhodes of the 124th, Williams of the 148th, Gaines of the 120th, and Washburn of the 144th

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 staffing
3 requirements for personal care homes, assisted living communities, and memory care centers;
4 to provide for a definition; to provide for related matters; to repeal conflicting laws; and for
5 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 31-7-1, relating
10 to definitions, by revising paragraphs (5), (6), and (7) and adding a new paragraph to read
11 as follows:

12 "(5) 'Medical alert system' means any device or combination of devices used to detect
13 and immediately communicate that an individual is experiencing a medical emergency.
14 Such device or combination of devices must be approved for their effectiveness by the
15 department in its sole discretion.

(6) 'Medical facility' means any licensed general hospital, destination cancer hospital, or specialty hospital, institutional infirmary, public health center, or diagnostic and treatment center.

~~(6)~~(7) 'Permit' means a permit issued by the department upon compliance with the rules and regulations of the department.

~~(7)~~(8) 'Provisional permit' means a permit issued on a conditional basis for one of the following reasons:

(A) To allow a newly established institution a reasonable but limited period of time to demonstrate that its operational procedures equal standards specified by the rules and regulations of the department; or

(B) To allow an existing institution a reasonable length of time to comply with rules and regulations, provided the institution shall present a plan of improvement acceptable to the department."

SECTION 2.

Said article is further amended in Code Section 31-7-12, relating to personal care homes, licensure and registration, inspection by local boards, fees, investigations, waiver, variance, or exemption, staffing, training, and financial stability requirements, and certified medication aides, by revising subsection (f) as follows:

"(f) On and after July 1, ~~2021~~ 2024, personal care homes with 25 or more beds shall be required to meet the following staffing and training requirements:

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

(2) Maintain an average monthly minimum on-site staffing ratio of one direct care staff person for every 15 residents during all waking hours and one direct care staff person for

every 20 residents during all nonwaking hours; provided, however, that either such ratio is adequate to meet the needs of the residents; and

(3) Ensure that no fewer than two on-site administrators or on-site direct care staff persons are present on the premises at all times with at least one staff person on each occupied floor and that person shall be required to remain posted on their designated floor at all times; provided, however, that the staff person posted on the designated floor may move about the premises as necessary if the personal care home has implemented a medical alert system and each resident has been provided a wearable device that connects to such system when activated to alert an administrator or direct care staff person of a medical emergency."

SECTION 3.

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

"(j) On and after July 1, ~~2021~~ 2024, all assisted living communities shall be required to meet the following staffing and training requirements:

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

(2) Maintain the following minimum staffing requirements:

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

(B) At least two on-site direct care staff persons on the premises at all times with at least one direct care staff person per occupied floor and that person shall be required

67 to remain posted on their designated floor at all times; provided, however, that the staff
68 person on the designated floor may move about the premises as necessary if the assisted
69 living community has implemented a medical alert system and each resident has been
70 provided a wearable device that connects to such system when activated to alert an
71 administrator or direct care staff person of a medical emergency; and

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

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

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

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

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

81 **SECTION 4.**

82 Said article is further amended in Code Section 31-7-12.4, relating to certificate for operation
83 of memory care center required, staffing and training requirements, other requirements, and
84 regulation, by revising paragraph (1) of subsection (c) as follows:

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

86 (A) One dementia trained direct care staff person for every 12 residents on-site during
87 all waking hours and for every 15 residents on-site during all nonwaking hours based
88 on a monthly average; provided, however, that such ratio is adequate to meet the needs
89 of the residents;

90 (B) One registered professional nurse, licensed practical nurse, or certified medication
91 aide on-site or available in the building at all times;

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

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

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

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

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

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

SECTION 5.

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