

House Bill 904

By: Representatives Silcox of the 53<sup>rd</sup> and Cooper of the 45<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to  
2 exemptions from the certificate of need program, so as to revise an exemption from  
3 certificate of need requirements concerning life plan communities; to provide for a definition;  
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions  
8 from the certificate of need program, is amended by revising paragraph (17) of subsection  
9 (a) as follows:

10 "(17) Life plan communities, provided that the skilled nursing component of the facility  
11 is primarily utilized by ~~for the exclusive use of~~ residents of the life plan community and  
12 that a written exemption is obtained from the department; ~~provided, however, that new.~~  
13 New sheltered skilled nursing home facility beds may be used on a limited basis by  
14 persons who are not residents of the life plan community ~~for a period up to five years~~  
15 ~~after the date of issuance of the initial nursing home license~~, but such beds shall not be  
16 eligible for Medicaid reimbursement. For the first year after the date of issuance of the

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17 initial skilled nursing facility license, the life plan community ~~sheltered~~ skilled nursing  
18 facility may utilize not more than 50 percent of its licensed beds for new patients who are  
19 not residents of the life plan community. In the second year of operation, the life plan  
20 community shall allow not more than 40 percent of its licensed beds for new patients who  
21 are not residents of the life plan community. In the third year of operation, the life plan  
22 community shall allow not more than 30 percent of its licensed beds for new patients who  
23 are not residents of the life plan community. ~~In the fourth year of operation, the life plan~~  
24 ~~community shall allow not more than 20 percent of its licensed beds for new patients who~~  
25 ~~are not residents of the life plan community. In the fifth year of operation, the life plan~~  
26 ~~community shall allow not more than 10 percent of its licensed beds for new patients who~~  
27 ~~are not residents of the life plan community.~~ At no time during the first five three years  
28 of operation shall the life plan community ~~sheltered~~ skilled nursing facility occupy more  
29 than 50 percent of its licensed beds with patients who are not residents under contract  
30 with the life plan community. At the end of the ~~five-year~~ three-year period, the life plan  
31 community ~~sheltered~~ skilled nursing facility shall be utilized ~~exclusively~~ primarily by  
32 residents of the life plan community, and at no time shall the life plan community skilled  
33 nursing facility occupy more than (i) 25 percent of its skilled nursing facility beds with  
34 patients requiring long-term care and who are not residents under contract with the life  
35 plan community; and (ii) the greater of five beds or 10 percent of its skilled nursing  
36 facility beds with patients requiring short-term rehabilitation who are not residents under  
37 contract with the life plan community. At no time shall a resident of a life plan  
38 community be denied access to the ~~sheltered~~ skilled nursing facility. ~~At no time nor~~ shall  
39 any existing patient be forced to leave the life plan community to comply with this  
40 paragraph. ~~The department is authorized to promulgate rules and regulations regarding~~  
41 ~~the use and definition of the term 'sheltered nursing facility' in a manner consistent with~~  
42 ~~this Code section.~~ Agreements to provide continuing care include agreements to provide  
43 care for any duration, including agreements that are terminable by either party. As used

44 in this paragraph, the term 'short-term rehabilitation' means skilled nursing facility beds  
45 which may be occupied for not more than 100 days per benefit period, the cost of which  
46 is covered under Part A of Title XVIII of the federal Social Security Act (Medicare) or  
47 paid privately;"

48 **SECTION 2.**

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