

House Bill 1335 (AS PASSED HOUSE AND SENATE)

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.

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

19 ~~(6)~~(7) 'Permit' means a permit issued by the department upon compliance with the rules
 20 and regulations of the department.

21 ~~(7)~~(8) 'Provisional permit' means a permit issued on a conditional basis for one of the
 22 following reasons:

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

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

29 **SECTION 2.**

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

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

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

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

41 every 20 residents during all nonwaking hours; provided, however, that either such ratio
 42 is adequate to meet the needs of the residents; and
 43 (3) Ensure that no fewer than two on-site administrators or on-site direct care staff
 44 persons are present on the premises at all times with at least one staff person on each
 45 occupied floor and that person shall be required to remain posted on their designated floor
 46 at all times; provided, however, that the staff person posted on the designated floor may
 47 move about the premises as necessary if the personal care home has implemented a
 48 medical alert system and each resident has been provided a wearable device that connects
 49 to such system when activated to alert an administrator or direct care staff person of a
 50 medical emergency."

51 **SECTION 3.**

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

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

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

60 (2) Maintain the following minimum staffing requirements:

61 (A) An average monthly minimum on-site staffing ratio of one direct care staff person
 62 for every 15 residents during all waking hours and one direct care staff person for every
 63 20 residents during all nonwaking hours; provided, however, that either such ratio is
 64 adequate to meet the needs of the residents;

65 (B) At least two on-site direct care staff persons on the premises at all times with at
 66 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, which may include one licensed
93 registered professional nurse, licensed practical nurse, or certified medication aide, if
94 they remain on-site in the memory care center; and

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

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

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

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

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

105 **SECTION 5.**

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