



October 1, 2012

MEMORANDUM

TO: All Licensed Personal Care Homes and Assisted Living Communities

FROM: Brian Looby, Chief
Healthcare Facility Regulation Division

SUBJECT: Misleading Advertisements for Inappropriate Services

It has come to the attention of the Division of Healthcare Facility Regulation that some large personal care homes are providing misleading information to the public on the scope of services they are authorized to provide. Some large personal care homes are advertising in brochures, etc. that the home provides “**our own** on-site physical therapy/occupational therapy team”. O.C.G.A. Sec. 31-7- 12 prohibits a personal care home from providing medical, nursing or health services. Rule 111-8-62-.16(1)(e) of the Personal Care Home Rules states the following:

(e) Medical, nursing, health or supportive services required on a periodic basis, or for short-term illness shall not be provided as services of the home. When such services are required, they shall be purchased by the resident or the resident’s representative or legal surrogate, if any, from appropriately licensed providers managed independently for the home. The home may assist in arrangement for such services but not for the provision of those services.

A similar rule exists for assisted living communities. See Rule 111-8-63-.17(11) which states:

(11) Medical, nursing (other than developing and updating care plans, training, medication administration and skills competency determinations) health services required on a periodic basis, or for short-term illness, must not be provided as services of the assisted living community. When such services are required, they shall be purchased by the resident or the resident’s representative or legal surrogate, if any, from appropriately licensed providers which are managed independently and not owned or operated by the assisted living community. The assisted living community may assist in arrangement for such services, but not in the provision of those services.

Licensed personal care homes and assisted living communities are not permitted to offer medical, nursing or health services, such as those provided by or under the direction of a licensed physical therapist. Marketing materials, both print and electronic, must not create the impression that such services, if available on site, are provided by the licensed personal care home or assisted living community. If this advertising practice is identified by Division staff, the facility may be cited for a rule violation.