GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

Nathan Deal, Governor

Frank W. Berry, Commissioner

2 Peachtree Street, NW | Atlanta, GA 30303-3159 | 404-656-4507 | www.dch.georgia.gov

## PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedures Act, Official Code of Georgia (O.C.G.A.) 50-13-1 et seq., the Georgia Department of Community Health is required to provide public notice of its intent to adopt, amend or repeal certain rules other than interpretive rules or general statements of policy. Accordingly, the Department hereby provides notice of its intent to amend the **Rules and Regulations for Assisted Living Communities, Chapter 111-8-63.** These changes are being proposed pursuant to the authority granted to the Department in O.C.G.A. §§ 31-2-5 and 31-2-7. An exact copy of the revised rules and a synopsis of the revisions are attached to this public notice.

## NOTICE OF PUBLIC HEARING

An opportunity for public comment will be held on **October 17, 2017** at **11:30 a.m.**, at the Department of Community Health (2 Peachtree Street, N.W., Atlanta, Georgia 30303) in the 5th Floor Board Room. Oral comments may be limited to 10 minutes per person. Individuals who are disabled and need assistance to participate during this meeting should contact the Office of General Counsel at (404) 657-7195 at least three (3) business days prior to the meeting.

Citizens wishing to comment in writing on any of the proposed changes should do so on or before October 20, 2017. Comments may be faxed to (404) 656-0663, emailed to renee.robinson@dch.ga.gov or mailed to the following address:

Attention: Office of General Counsel
Georgia Department of Community Health
Post Office Box 1966
Atlanta, Georgia 30301

Comments from written and public testimony will be provided to the Board of Community Health prior to the November 9, 2017 Board meeting. The Board will vote on the proposed changes at the Board meeting to be held at 10:30 a.m. on November 9, 2017 at the Georgia Department of Community Health (2 Peachtree Street, N.W., Atlanta, Georgia 30303 in the 5th Floor Board Room).

**NOTICE IS HEREBY GIVEN THIS 14th DAY OF September, 2017.**

**Frank W. Berry, Commissioner**

Attachments

**RULES OF**
**GEORGIA DEPARTMENT OF COMMUNITY HEALTH**
**HEALTHCARE FACILITY REGULATION DIVISION**
**REVISE CHAPTER 111-8-63**
**RULES AND REGULATIONS FOR ASSISTED LIVING COMMUNITIES**

## SYNOPSIS OF PROPOSED RULE CHANGES

**STATEMENT OF PURPOSE**: The Georgia Department of Community Health proposes to revise the Rules and Regulations for Assisted Living Communities, Chapter 111-8-63. These changes are being proposed pursuant to the authority granted the Department of Community Health in O.C.G.A. § 31-6-21 and O.C.G.A. § 31-6-21.1.

**MAIN FEATURE OF THE PROPOSED RULE**: Revision of the definition of proxy caregiver to comply with the provisions of House Bill 486; deletion of duplicative emergency preparedness requirements; and revision of the notice requirements for changes in charges or services.

**RULES**
**OF**
**DEPARTMENT OF COMMUNITY HELTH**

**CHAPTER 111-8**
**HEALTHCARE FACILITY REGULATION**

**111-8-63**
**ASSISTED LIVING COMMUNITIES**

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**Rule 111-8-63-.03 Definitions**

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

"Personal Services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer.

(ii) "Proxy caregiver" means an unlicensed person or a licensed health care facility thatwho has been selected by a disabled individual or a person legally authorized to act on behalf of such individual to serve as such individual's proxy caregiver , and meets the requirements contained in the Rules and Regulations for Proxy Caregivers Used in Licensed Healthcare Facilities, Chapter 111-8-100.provided that such person shall receive training and shall demonstrate the necessary knowledge and skills to perform documented health maintenance activities, including specialized procedures for such individual.

**Rule 111-8-63-.14 Emergency Preparedness**

(1) An assisted living community must comply with the requirements of Chapter 111-8-16, Rules and Regulations for Disaster Preparedness Plans.develop and maintain a building evacuation plan which contains procedures and mechanisms for alerting and escorting residents to safety when the building must be evacuated as a result of an emergency.

(2) Lists of residents with room number designations that require assisted self-preservation must be readily accessible to staff responsible for evacuating residents.

(23) Building evacuation maps with routes of escape clearly marked must be posted conspicuously on each floor of the assisted living community. Assisted living communities must have a clearly accessible route for emergencies throughout the common areas of the assisted living community.;

(4) In addition to the building emergency evacuation plan, each assisted living community must develop and utilize a comprehensive emergency preparedness plan for responding to internal and external disasters and emergency situations which address obtaining emergency transportation, sheltering in place, loss of power and water, evacuation and transporting the residents away from the community utilizing a plan format acceptable to the Department.

(35) The disaster preparedness plan must be readily accessible to staff, residents and their families at the assisted living community and identify the staff position(s) responsible for implementing the plan, obtaining necessary emergency medical attention or intervention for residents.

(6) The plan must describe clearly how the emergency procedures will be carried out for potential emergency situations or disasters which might likely occur, such as forced evacuation, utility outage or sheltering in place as a result of a hurricane or tornado. The

~~emergency procedures must answer the questions of "who, what, when, where, and how" the assisted living community will be ready to act effectively and efficiently in an emergency situation.~~

~~(7) The entire plan must be rehearsed at least annually with the exception of fire evacuation which must be rehearsed in compliance with fire safety standards. Written and accurate records of rehearsals, including the names of all residents, staff and volunteers participating and times necessary to execute the evacuation rehearsals must be maintained.~~

~~(8) The assisted living community must maintain written records of all incidents which require implementation of the emergency preparedness plan, including a written critique of the performance under the plan.~~

~~(9) The plan must be made available to the local emergency management agency and shared with other organizations involved in disaster preparedness and recovery upon request.~~

~~(10) The plan must be reviewed and updated as changes in circumstances require and at least annually. Written records of plan reviews, incidents, critiques and rehearsals, must be maintained for two years following the action being recorded.~~

~~(11) The assisted living community must notify the Department as soon as practicable when an emergency situation occurs which requires implementation of the emergency preparedness plan, but in no event later than one business day after the emergency situation. Such notification to the Department may be verbal initially and must be followed-up in writing within three business days.~~

(4~~12~~) The assisted living community must provide timely notification of the relocation address to the residents, their family contacts and representatives, if any, and the Department whenever the assisted living community must relocate the residents as a result of an emergency situation which disrupts the provision of room and board for the residents at the licensed location.

~~(13) Emergency Suspension of Rules. The Department may suspend the requirements of these rules where the Governor of the State of Georgia has declared an emergency or disaster and authorizes the suspension of laws and rules as deemed necessary.~~

**Rule 111-8-63-.16 Admission Agreements**

(1) **Contents of the Written Admission Agreement**. The assisted living community must ensure that the admission agreement is written in plain and understandable language and is consistent with the information contained on the licensed residential care profile.

(a) The admission agreement must include a current statement of all fees and daily, weekly or monthly charges; the services covered by those basic fees and any other services which the assisted living community provides on an additional fee basis.

(b) The admission agreement must contain a statement that residents and their representatives or legal surrogates shall be informed, in writing, at least 360 days prior to any increase~~changes~~ in established charges related to the provision of personal services and at least 60 days prior to any increase in charges for room and board~~charges and services~~.

(c) The admission agreement must contain provisions for the administrator or on-site manager's continuous assessment of the resident's needs, referral for appropriate services as may be required if the resident's condition changes and referral for transfer or discharge if required due to a change in the resident's condition.

(d) The admission agreement must contain a description of how the community responds to formal complaints received from residents and their representatives and how to file a complaint within the community.

(e) The admission agreement must contain provisions for transportation of residents for shopping, recreation, rehabilitation, medical services. Such transportation service may be provided by the assisted living community as either a basic service or on a reimbursement basis; with transportation for emergency use available at all times.

(f) The admission agreement must include the assisted living community's refund policy when a resident dies, is transferred or discharged.

(g) The admission agreement must include a statement that a resident may not be required to perform services for the assisted living community.

(h) The admission agreement must include a copy of the house rules, which must be in writing and also posted in the assisted living community and explain how violations of the house rules will be addressed by the community. House rules must be consistent with residents' rights. House rules must include, but not be limited to policies regarding the use of tobacco and alcohol, the times and frequency of use of the telephone, visitors, ,elopement from the community, hours and volume for viewing and listening to television, radio and other audiovisual equipment, whether residents' personal pets or household pets are permitted and the use of personal property.

(i) The admission agreement must disclose how and by what level of staff medications are handled in the community. The agreement must also specify who is responsible for initial acquisition and refilling of prescribed medications utilizing unit or multidose packaging for the resident. Either this responsibility will remain with the resident, representative or legal surrogate, if any, or be assigned to the assisted living community operating through the administrator or on-site manager.

(j) The admission agreement must disclose whether the community permits the resident to employ independent proxy caregivers, sitters, etc. or requires the purchase of such services from approved providers.

(2) The assisted living community must provide each resident, representative, legal surrogate with an opportunity to read the complete agreement prior to the execution of the admissions agreement. In the event that a resident, representative or legal surrogate is unable to read the agreement, the administrator or on-site manager must take steps to assure communication of the contents of the admission agreement to be signed.

(3) The assisted living community must provide the resident and representative or legal surrogate, if any, with a signed copy of the agreement. A copy signed by both parties (resident and administrator or on-site manager) must be retained in the resident's file and maintained by the administrator or on-site manager of the assisted living community.

(4) The assisted living community must not use a written admission agreement or any other written agreement signed by the resident or the resident's legal representative which waives or attempts to waive any of the resident's rights these rules protect.