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 Personal Care Homes, Chapter 111-8-62**. 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 12:00 p.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 111-8-62
RULES AND REGULATIONS FOR PERSONAL CARE HOMES

SYNOPSIS OF PROPOSED RULE CHANGES

STATEMENT OF PURPOSE: The Georgia Department of Community Health proposes to revise the Rules and Regulations for Personal Care Homes, Chapter 111-8-62. 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 disaster 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

111-8-62
PERSONAL CARE HOMES

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Rule 111-8-62-.03 Definitions

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

(ee) "Proxy caregiver" means an unlicensed person or a licensed health care facility that~~who~~ 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.

Rule 111-8-62-.08 Administration

(1) For homes first licensed after the effective date of these rules, the home must have an administrator, who is at least 21 years of age and, has either

(a) an Associate's Degree or,

(b) a G.E.D. or a high school diploma and 2 years experience working in a licensed personal care home or other healthcare-related setting.

(2) The administrator or on-site manager of each personal care home must do the following:

(a) Ensure that the policies and procedures are effective and enforced to support the health and safety of the residents.

(b) Designate qualified staff as responsible staff to act on his or her behalf and to carry out his or her duties in the administrator or on-site manager's absence. No resident shall be designated as staff.

(c) Investigate serious incidents involving residents which result in injuries or death in order to identify and implement opportunities for improvement in care.

(d) Monitor and document staff performance to ensure that care and services are being delivered safely and in accordance with these rules.

(3) Personnel must be assigned duties consistent with their positions, training, experience, and the requirements of Rule 111-8-62-.09.

(4) The facility~~administrator~~ must comply with the requirements of Chapter 111-8-16, Rules and Regulations for Disaster Preparedness Plans.~~develop and utilize a comprehensive disaster preparedness plan for the home for staff and residents to follow in case of fire, explosion, or other emergency, including interruption of electrical power supply, gas-heating supply and water supply. The plan must be completed in a format acceptable to the Department and address obtaining emergency transportation, sheltering in place, loss of power and water, evacuating and transporting the residents away from the home, and identifying alternative living arrangements.~~

~~(a) 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.~~

~~(b) The emergency procedures must answer the questions of "who, what, when, where, and how" the home will be ready to act effectively and efficiently in an emergency situation.~~

(5) Each home must have a telephone which is maintained in working order at all times and is accessible to the residents.

(6) The home must provide timely notification of the relocation address to the residents, their family contacts and representatives, if any, and the Department whenever the home 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.

Rule 111-8-62-.16 Admission Agreement

(1) A written admission agreement must be entered into between the governing body and the resident. Such agreement must contain the following:

(a) A current statement of all fees and daily, weekly or monthly charges; any other services which are available on an additional fee basis, for which the resident must sign; a request acknowledging the additional cost; and the services provided in the home for that charge.

(b) A statement that residents and their representatives or legal surrogates must be informed, in writing, at least 3~~6~~0 days prior to any increase in established ~~changes in~~ charges related to the provision of personal ~~or~~ services and at least 60 days prior to any increase in charges for room and board.

(c) The resident's authorization and consent to release medical information to the home as needed.

(d) 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.

(e) Provision for transportation of residents for shopping, recreation, rehabilitation and medical services, which must be available either as a basic service or on a reimbursement basis. Provision must also be made for access to emergency transportation at all times.

(f) A statement of the home's refund policy including but not limited to when a resident decides not to move into the home, dies, is transferred or discharged.

(g) A statement that a resident may not perform services for the home.

(h) A copy of the house rules, which must be in writing and also posted in the home. 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, 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) For residents first admitted after the effective date of these rules, a statement disclosing whether the home permits the resident to hire independent proxy caregivers, sitters, or requires the purchase of such services from the home or approved providers.

(j) For residents first admitted after the effective date of these rules, the admission agreement must disclose how and by what level of staff medications are handled in the home. The agreement must also specify who is responsible for initial acquisition, refilling of prescribed medications and whether unit or multi-dose packaging of medications is required.

(k) An explanation of how and when residents must be discharged or transferred from the home.

(1) For residents first admitted after the effective date of these rules, an explanation of how social media, photos of residents and other media involving residents are handled.

(2) Each resident, and representative, where applicable, prior to the execution of the admissions agreement, must have an opportunity to read the agreement. In the event that a resident is unable to read the agreement, the administrator or on-site manager must take special steps to assure communication of its contents to the resident.

(3) The resident and representative or legal surrogate, if any, must each be given a signed copy of the agreement and 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 home.