

**RULES OF
DEPARTMENT OF COMMUNITY HEALTH
HEALTHCARE FACILITY REGULATION**

ADOPTION OF NEW CHAPTER 111-8-63

RULES AND REGULATIONS FOR ASSISTED LIVING COMMUNITIES

SYNOPSIS OF PROPOSED RULES

STATEMENT OF PURPOSE: The Division of Healthcare Facility Regulation, in the Department of Community Health proposes the adoption of new Rules and Regulations for Assisted Living Communities, Chapter 111-8-63. These rules are being proposed pursuant to the authority granted the Department of Community Health by Senate Bill 178 (2011) and codified in Chapter 7 of Title 31 of the Official Code of Georgia Annotated. The Department was charged by the legislature to establish rules and regulations for a new licensure category of personal care homes called assisted living communities and to incorporate meaningful distinctions in the levels of care licensed personal care homes, assisted living communities and nursing homes are authorized to provide.

The proposed rules set health, safety and operational standards for those personal care homes with 25 or more beds which opt to provide assisted living care. In the formulation of the proposed new rules, the Department has considered the economic costs associated with the regulations and the impact on small businesses in the state. To the extent possible, the proposed rules do not impose excessive regulatory costs on the regulated entities while supporting the quality of care being delivered and the health and safety of the residents receiving care.

MAIN FEATURES OF THE PROPOSED RULES: The Rules and Regulations for Assisted Living Communities, Chapter 111-8-63-, include the following features:

- **Rule 111-8-63-.01 Authority**--States the legal authority for publishing these rules.
- **Rule 111-8-63-.02 Purpose**--Defines the reason for these rules as regulating the provision of assisted living care by assisted living communities.
- **Rule 111-8-63-.03 Definitions**--Contains specific definitions for various terms of art used in the rules such as assisted living care, assisted living community, assisted self-preservation, assistive devices, injury, and self-administered medication.
- **Rule 111-8-63-.04 Exemptions**--Provides for certain types of facilities to be exempted from compliance with these rules, such as licensed crisis stabilization units and host homes, which are subject to oversight by the Department of Behavioral Health and Developmental Disabilities.

- **Rule 111-8-63-.05 Application for Permit**--Outlines the process for filing an application with the Department to become licensed as an assisted living community.
- **Rule 111-8-63-.06 Permits**--Addresses the non-transferability of permits and the need for an assisted living community to disclose its licensure classification in marketing materials the assisted living community uses. The rule also prohibits the operation of another business on the premises of the community that would interfere with the residents' safety and quiet enjoyment of the community premises.
- **Rule 111-8-63-.07 Owner Governance**--Holds the owner responsible for providing direction to the assisted living community through implementing policies and procedures addressing such topics as services provided, staffing plan, and training of staff, infection control, emergency preparedness and quality assurance review mechanisms.
- **Rule 111-8-63-.08 Community Leadership**--Requires the appointment of an administrator or director of the community who has either a bachelor's degree, an associates degree with two years healthcare work experience, a license as a nursing home administrator or a diploma and four years healthcare work experience with two years supervisory experience. Holds the administrator accountable for ensuring compliance with the policies and procedures, investigating resident incidents and implementing opportunities to improve care and monitoring staff performance.
- **Rule 111-8-63-.09 Workforce Qualifications, Training and Staffing**--Requires the owner and staff to have satisfactory criminal background checks and to receive training. The rule requires hands-on personal care staff to obtain 24 hours of work-related training the first year and 16 hours thereafter. Staffs who work in a specialized memory care unit are required to receive 8 hours of Alzheimer's-related training in their first 24 hours of training.
- **Rule 111-8-63-.10 Community Accountability**--Includes requirements for the community to implement a plan of correction where rule violations are identified and to provide services that are consistent with those reported on the licensed residential care profile.
- **Rule 111-8-63-.11 Community Design and Use Requirements**--Provides for the community to be built in compliance with local and state building and fire codes and to include certain design features for the residents' private living spaces and common areas. The rule also requires the community to have access to outdoor spaces conveniently located for the use of the residents and access to parking spaces for the residents and visitors.
- **Rule 111-8-63-.12 Community Furnishings**--Requires the provision of furnishings throughout the community that are maintained in good condition and functional. The rule also requires the community to provide a name plate or other identification outside the residents' bedrooms and to allow residents to personalize their own private living spaces.
- **Rule 111-8-63-.13 Community Safety Precautions**--Contains requirements for the community to maintain the interior and the exterior of the community in good repair and free of unsafe conditions. The rule also addresses the installation of refrigerators and cooking appliances and prohibits the use of space heaters except during an emergency and only if specifically approved by the fire safety authority.
- **Rule 111-8-63-.14 Emergency Preparedness**--Requires the community to develop a comprehensive emergency preparedness plan for responding to internal and external disasters and emergency situations for such items as emergency transportation, sheltering in place, loss of power and water and evacuation. The rule

also requires the community to share this information with the local emergency management agency.

- **Rule 111-8-63-15 Admission and Resident Retention**--Identifies the admission characteristics for residents allowing for the community to accept residents whose physical condition allows them to participate actively in transferring from place to place and who are able to participate in the social and leisure activities provided in the community. The rules also provide for the community to discharge residents who require continuous medical or nursing care or whose needs can no longer be met by the community, e.g. the residents are no longer ambulatory and are not capable of assisted self-preservation.
- **Rule 111-8-63-16 Admission Agreements**--Provides for the requirements for the community's use of an admission agreement that discloses the basic services offered and the additional services available on an additional fee basis, move-in, move-out requirements, refund policy and whether the community utilizes proxy caregivers or permits residents to hire their own proxy caregivers.
- **Rule 111-8-63-17 Services in the Community**--Requires the community to complete a needs assessment and a written care plan for each resident and to provide social activities for the residents. The rule also requires those communities which permit proxy caregivers to retain records reflecting compliance with the proxy caregiver rules, Chapter 111-8-100.
- **Rule 111-8-63-18 Requirements for Memory Care Services**--Addresses the need to develop, train and enforce policies and procedures to deal with residents who may wander from the assisted living community, including retaining pictures of residents who are at risk of wandering away from the premises.
- **Rule 111-8-63-19 Additional Requirements for Specialized Memory Care Units**--Contains the specific requirements that must be met where the community chooses to provide specialized memory care units including secured outdoor spaces, dementia-related training for staff and written care plans that are updated quarterly.
- **Rule 111-8-63-20 Medications**--Specifies how communities may use unlicensed staff to assist with or supervise the self-administration of medications to residents who have the cognitive abilities to self-administer. The rule also requires communities to utilize certified medication aides in good standing to administer medications to residents and includes provisions for training of staff on medications and skills competency determinations. The rule also requires communities to notify the certified medication aide registry if a medication aide is finally discharged for cause relating to the performance of medication administration, maintain medication administration records and to store and dispose of medications properly.
- **Rule 111-8-63-21 Nutrition and Food Preparation**--Requires the community to serve at least three nutritious meals per day and to either have a valid food service permit or contract with a caterer that has a valid food service permit.
- **Rule 111-8-63-22 Temperature Control**--Requires the community to maintain room temperatures within a comfortable range for the residents with temperatures no lower than 62 degrees at night and no higher than 85 degrees during the day.
- **Rule 111-8-63-23 Infection Control, Sanitation and Supplies**--Addresses the need for the community to have an effective infection control program. The community must provide training to staff on effective measures for minimizing the spread of infections and food borne illnesses with staff demonstrating their understanding of infection control practices in providing care to the residents. Additionally, the community must enforce its work and return to work policies to minimize the spread of infections and illnesses.

- **Rule 111-8-63-.24 Residents' Files**--Sets forth the items that must be included in each resident's file, such as the name of the resident's physician, written care plans, informed consents and a record of all monetary transactions on behalf of the resident.
- **Rule 111-8-63-.25 Supporting Residents' Rights and Obtaining Feedback**--Provides for the delivery of services in a manner that respects the personal dignity of the resident and such rights as voting and being free from mental, verbal, sexual and physical abuse, neglect and exploitation.
- **Rule 111-8-63-.26 Procedures for Change in Resident's Condition**--Requires the community to take the actions appropriate to the specific circumstances to address the needs of the resident in case of an accident or a sudden adverse change in the resident's condition or adjustment. The rule also permits caregivers to implement a valid Do Not Resuscitate order.
- **Rule 111-8-63-.27 Death of a Resident**--Requires the community to notify the resident's next of kin, physician and appropriate law enforcement authorities where the law requires it.
- **Rule 111-8-63-.28 Immediate Transfers of Residents**--Contains provisions for the community implementing an immediate transfer to provide notice to the resident, the resident's representative and the local ombudsman of the transfer and to provide a copy of the resident's file to the receiving setting.
- **Rule 111-8-63-.29 Discharge or Transfer of Residents**--Provides for the resident to be discharged to be provided with 30 days notice of the community's intent to discharge or transfer the resident where transfer does not meet the requirements for an immediate transfer.
- **Rule 111-8-63-.30 Reports to the Department**--Requires the community to notify the Department when it initiates a Mattie's call. The rule also requires the community to report serious incidents to the Department involving residents, such as accidental or unanticipated death, serious injury, abuse, or an emergency situation with affects the continued safe operation of the residence.
- **Rule 111-8-63-.31 Deemed Status**--Authorizes the Department to accept certification or accreditation of the community by an accrediting body recognized and approved by the Department as evidence of compliance with these rules.
- **Rule 111-8-63-.32 Variances and Waivers**--Outlines the manner and criteria for a community obtaining a variance or waiver of the rules.
- **Rule 111-8-63-.33 Enforcement of Licensing Requirements**--Provides for the use of the General Licensing and Enforcement Rules, Chapter 111-8-25 to initiate actions to enforce the rules.
- **Rule 111-8-63-.34 Severability**--Allows for the remaining rules to continue in effect where a portion of a rule is determined to be invalid.