

# Preparing for the New Personal Care Home and Assisted Living Requirements

Today we'll cover:

Timeline for implementation of the various elements of the law

Key elements of the new law

What to expect regarding the new regulations

Any concerns you may have that we should address with the Georgia  
Department of Community Health

# The New Personal Care Home and Assisted Living Requirements

## Timeline of the new law:

The assisted living bill was signed into law on July 1, 2020

The COVID-related requirements of HB 987 will be presented to the DCH Board for initial adoption on August 13, 2020. DCH will send a draft to LAG prior to that date. There will be a virtual public comment hearing on September 16, 2020. Final adoption of the rules will be on October 8, 2020. Once the rules are final, DCH will begin surveying those requirements.

Sections of the law are to be implemented on different dates

# The New Personal Care Home and Assisted Living Requirements

Let's look at the Covid-19 related sections of the new law:

Each personal care home with 25 beds or more, each assisted living community, and each licensed nursing home shall:

**Inform its residents and their representatives or legal surrogates by 5 pm the next calendar day** following the occurrence of either a single confirmed infection of COVID-19 or another airborne infectious disease identified by the department or the federal Centers for Disease and Prevention as a threat to public health, or there or more residents or staff with new-onset of respiratory symptoms occurring within 72 hours of each other.

Such information shall not include identifiable information; include information on mitigation actions. Updates are required.

# The New Personal Care Home and Assisted Living Requirements

## Covid-19 related sections of the new law:

Each personal care home with 25 beds or more, each assisted living community, and each licensed nursing home shall:

Maintain a minimum of a **seven-day supply** of protective masks, surgical gowns, eye protection and gloves sufficient to protect all residents and staff;

Maintain and publish for its residents and their representatives policies and procedures pertaining to infection control;

As part of the facilities disaster preparedness plan, include plan for influenza and other infectious diseases which conforms to department and CDC standards. See details about surveillance, communication plan, training and plan regarding visitation, cohorting measures, surge capacity plan that addresses contingency staffing and supply shortages.

# The New Personal Care Home and Assisted Living Requirements

Covid-19 related sections of the new law:

By September 28, 2020 each resident and direct care staff person in a long-term care facility (pch with 25 beds or more, an assisted living or nursing home) shall be required to receive an initial baseline molecular SARS CoV-2 test as outlined by the CDC, provided however, that residents and direct care staff persons tested prior to the effective date of this Act shall not be required to receive such test.

# The New Personal Care Home and Assisted Living Requirements

Data as of 7/26/2020	ALC and Large PCH
Total # of facilities	424
# with one or more COVID-positive resident(s)	159
% of facilities with COVID residents	38%
Resident census	18,776
COVID-positive residents (cumulative)	970
Resident deaths related to COVID	219
Resident testing	12,453
Number of staff	17,643
COVID-positive staff (cumulative)	731
Staff testing	11,881

# The New Personal Care Home and Assisted Living Requirements

The Penalty Section of the Code has been changed by the new law:

The daily fine allowed of up to \$1000 per day is now up to \$2000 per day for each violation of a law, rule, regulation or formal order related to the initial or ongoing licensing of any agency, facility or entity, up to a total of \$40,000.

The law allows DCH to impose a mandatory fine of no less than \$5000 for a violation of a law, rule, regulation, or formal order related to the initial or ongoing licensing of long-term care facility which has caused the death or serious harm to a resident in such facility. For purposes of this subparagraph, the term “serious harm” means an injury which causes any significant impairment of the resident as determined by qualified medical personnel. No fines may be imposed pursuant to this paragraph to any nursing facility subject to the provisions of 42 U.S.C. Section 1396(h)(2)(A).

# The New Personal Care Home and Assisted Living Regulations

New Staffing Requirements as of July 1, 2021:

**Personal Care Homes with 25 Beds or More:**

1 direct staff for every 15 residents during waking hours

1 direct staff for every 20 residents during all non-waking hours;

Provided, however, that either ratio is adequate to meet the needs of residents

# The New Personal Care Home and Assisted Living Regulations

## New Staffing Requirements as of July 1, 2021:

### Assisted Living Communities:

1 direct staff for every 15 residents during waking hours

1 direct staff for every 20 residents during waking hours;

Provided however, that either such ratio is adequate to meet the needs of the residents

At least 2 on-site direct care persons at all times

A registered nurse on site as follows:

1-30 residents – 8 hours per week

31-60 residents – a minimum of 16 hours per week

61-90 residents – a minimum of 24 hours per week

More than 90 residents – a minimum of 40 hours per week

# The New Personal Care Home and Assisted Living Regulations

## New Staffing Requirements as of July 1, 2021:

### Memory Care Center:

1 dementia trained direct care staff person for every 12 residents during waking hours

1 dementia trained direct care staff for every 15 residents during non-waking hours

Provided, however, that such ratio is adequate to meet the needs of the residents

1 registered professional nurse, licensed practical nurse on-site or available in the building at all times as follows:

1-12 residents, a minimum of 8 hours per week;

13-30 residents, a minimum of 24 hours per week;

31-40 residents, a minimum of 24 hours per week;

More than 40 residents, a minimum of 40 hours per week

# The New Personal Care Home and Assisted Living Regulations

Effective 7/1//2021 all ALCs and PCHs operating memory care units must receive a certificate to operate as a memory care unit

Memory Care Units (in ALC and PCH, 25+ beds) may employ medication aides who can administer morphine to hospice patients (as per last year's HB 374)

# The New Personal Care Home and Assisted Living Regulations

## New Financial Requirements for ALCs and PCHs with 25+ beds as of July 1, 2021:

Upon initial licensure application provide affidavit from a CPA of financial stability to operate for next two years

Provide at least 60 days notice to residents and DCH of impending bankruptcy or property eviction that may force discharge or relocation of residents

Provide at least 14 days' notice of impending ownership change that may force discharge or relocation of residents

# The New Personal Care Home and Assisted Living Requirements

## New Administrator Requirements as of July 1, 2021:

ALC and PCH administrators must be licensed by State Board of Long Term Care facility Administrators (formerly NH Board)

For new hires the facility has 60 days for administrator to obtain required license

# A Message from DCH Regarding Fingerprint Background Check Requirements

The fingerprint portion of the background check requirements remains waived for the period of the public health emergency. That includes the requirement to conduct the fingerprint background check on existing employees.

Once the public health emergency is lifted by Gov. Kemp, we will provide a period of time to allow facilities to obtain the fingerprints. We do not yet know what that period of time will be.

Source: [Melanie Simon](#)

What Support do you Need to  
Implement the new Requirements?

# A Letter from Katie Sloan to help with Covid-19 Related Costs:

Dear Colleague,

Relief funds for private-pay assisted living providers are under consideration from the Department of Health and Human Services (HHS).

To help facilitate this, HHS has requested our assistance in gathering specific information on licensed senior living providers, including assisted living, memory care, and life plan communities/CCRCs, in U.S. states and territories.

Your help will be needed as soon as possible: **Deadline is July 31, 2020, 5 p.m. ET.**

A distribution to private-pay assisted living is not fully confirmed, nor are details about how an allocation might be distributed. However, providing HHS with this data is an important step forward and we appreciate your help in being responsive to their request.

Companies that offer licensed/registered/certified assisted living/memory care should start preparing the following:

- Name of licensed/registered/certified assisted living and/or memory care community
  - Name of entity that holds the license/registration/certification
  - Address
  - Community license/registration/certification number (some states may not provide a number)
  - Corresponding Tax Identification Number (TIN)
  - Taxpayer ID Number for the filing company
  - Contact information for the person submitting data
  - Include licensed assisted living that is part of a life plan community/CCRC—even if the skilled nursing facility associated has already received funding from the Provider Relief Fund
- We'll get the link to the portal and instructions to you as soon as possible so you can input your data safely by July 31.

We'll keep you informed and have more details soon.

Thank you for your fast action in support of this vital aid to our industry. If you have any questions, please contact Nicole Fallon at: [nfallon@leadingage.org](mailto:nfallon@leadingage.org).  
Warm regards,

Katie Smith Sloan  
LeadingAge President and CEO



# Discussion Regarding the Impact of the Coronavirus Pandemic

How has coronavirus impacted your personal care home or assisted living community?

How has the coronavirus impacted move-ins and occupancy?

Have you had to add additional staff, contractors?

How costly is PPE?

What financial pressures, if any, are these types of private-pay facilities facing?

How costly is testing and how are you paying for it?

What steps are homes taking to address the financial concerns?

Other issues?

# Discussion Regarding the Impact of the Coronavirus Pandemic

What are your thoughts and concerns about allowing visitors?

What would you like LeadingAge/LeadingAge Georgia to do to support you for allowing visitors?

What do you think about an advocacy campaign to require masks in the community so less Covid-19 is brought into our communities?