



PUBLIC NOTICE OF PROPOSED RULE CHANGES

Pursuant to the Georgia Administrative Procedure Act, Official Code of Georgia Annotated (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. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. §§ 31-7-2.1(a), 31-7-12.3 and 31-7-12.4(e). Accordingly, the Department hereby provides notice of its intent to revise its Rules and Regulations for Personal Care Homes, specifically Ga. Comp. R. & Regs., r. 111-8-62-.03, *Definitions*; Ga. Comp. R. & Regs., r. 111-8-62-.04, *Applicability of Rules and Exemptions*; Ga. Comp. R. & Regs., r. 111-8-62-.10, *Staffing*, Ga. Comp. R. & Regs., r. 111-8-62-.16, *Admission Agreement*, and Ga. Comp. R. & Regs., r. 111-8-62-.19, *Additional Requirements for Certified Memory Care Centers*. The revisions establish an exemption for certain medical foster homes; address requirements for medical alert systems; clarify staffing levels; and provide for portable memory care training. 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 March 4, 2025, at 11:00 a.m. via Zoom. There will be no in-person attendance at the Department of Community Health. The Zoom meeting ID number is 885 2120 8814 and the event password is “541304”. Follow these instructions to join the event:

1. Click the link or copy and paste the link text to a browser:
<https://us02web.zoom.us/j/88521208814?pwd=UJtQRbZjgLyrvpTGg8TghtgoOVvovn.1>

2. Click “Join Now”

To join by telephone: One tap mobile
+16465588656,,88521208814#,,,,*541304# US (New York)

+16469313860,,88521208814#,,,,*541304# US

Oral comments will be limited to ten (10) minutes per person. Individuals who are disabled and require assistance to participate during this meeting should contact the Office of General Counsel at (470) 259-0735 at least three (3) business days prior to the meeting.

Individuals wishing to comment in writing on any of the proposed changes must do so on or before March 7, 2025, at 5:00 p.m. Due to reduced physical staffing at the 2 M.L.K., Jr. Drive, SE



location DCH encourages written public comments submitted in accordance with O.C.G.A. § 50-13-4(a)(2) to be submitted via e-mail to the following e-mail address:

Public.Comment@dch.ga.gov.

Please note that any comments submitted are subject to open records.

Written comments may be submitted via regular mail to the following address:

Attention: Alycia Allgood
Office of General Counsel
Georgia Department of Community Health
2 M.L.K., Jr. Drive, SE, 18th Floor, East Tower
Atlanta, GA 30334

If the proposed changes are presented to the Board for final action, relevant comments from written and public testimony will be provided to the Board. The Board expects to vote on the proposed changes at the Board meeting to be held on **April 10, 2025**, at 10:30 a.m. at the Department of Community Health unless withdrawn or withheld by the Department for further review.

NOTICE IS HEREBY GIVEN THIS 13th DAY OF FEBRUARY 2025.

A handwritten signature in black ink, appearing to read "Russel Carlson", written over a horizontal line.

Russel Carlson, Commissioner

**111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
111-8. HEALTHCARE FACILITY REGULATION
111-8-62. PERSONAL CARE HOMES**

AMEND CHAPTER 111-8-62

SYNOPSIS OF REVISED RULES

STATEMENT OF PURPOSE:

The Georgia Department of Community Health proposes to amend and update the Rules and Regulations for Healthcare Facility Regulation, Personal Care Homes, Ga. Comp. R. & Regs., r. 111-8-62. These rules are being proposed pursuant to the authority granted to the Department of Community Health in O.C.G.A. §§ 31-7-2.1(a), 31-7-12.3 and 31-7-12.4(e).

MAIN FEATURES OF THE PROPOSED RULE:

The proposed rule changes establish an exemption for certain medical foster homes; address requirements for medical alert systems; clarify staffing levels; and provide for portable memory care training.

**111. RULES OF DEPARTMENT OF COMMUNITY HEALTH
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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:

- (a) "Abuse" means any intentional or grossly negligent act or series of acts or intentional or grossly negligent omission to act which causes injury to a resident, including but not limited to, assault or battery, failure to provide treatment or care, or sexual harassment of the resident.
- (b) "Activities of daily living" means bathing, shaving, brushing teeth, combing hair, toileting, dressing, eating, laundering, cleaning private living space, managing money, writing letters, shopping, using public transportation, making telephone calls, grooming, obtaining appointments, engaging in leisure and recreational activities, or other similar activities.
- (c) "Administrator" means the manager designated by the governing body as responsible for the day-to-day management, administration and supervision of the personal care home, who may also serve as the on-site manager and responsible staff person except during periods of his or her own absence.
- (d) "Ambulatory Resident" means a resident who has the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches, walker or hand rails, or by propelling a wheelchair or scooter; who can respond to an emergency condition, whether caused by fire or otherwise, and escape with minimal human assistance such as guiding a resident to an exit, using the normal means of egress.
- (e) "Applicant" means any of the following:
 - 1. When the personal care home is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee.
 - 2. When the personal care home is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee.
 - 3. When the personal care home is owned by an association or limited liability company (LLC), the governing body of the association or LLC shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee.
 - 4. When the personal care home is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.
- (f) "Assisted living care" means the specialized care and services provided by an assisted living community which includes the provision of personal services, the administration of medications by a certified medication aide, the provision of assisted self-preservation, and the provision of limited nursing services.

- (g) "Certificate" means a certificate issued by the Department to operate a memory care center in a licensed assisted living community or personal care home.
- (h) "Chemical Restraint" means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.
- (i) "Department" means the Georgia Department of Community Health operating through the Division of Healthcare Facility Regulation.
- (j) "Direct care staff person" means any employee, facility volunteer or contract staff who provides to residents any personal services, including but not limited to, medication administration or assistance, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.
- (k) "Disabled individual" means an individual that has a physical or mental impairment that substantially limits one or more major life activities and who meets the criteria for a disability under state or federal law.
- (l) "Employee" means any person, other than a director, utilized by a personal care home to provide personal services to any resident on behalf of the personal care home or to perform at any facilities of the personal care home any duties which involve personal contact between that person and any paying resident of the personal care home.
- (m) "Exploitation" means an unjust or improper use of another person or the person's property through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own personal advantage.
- (n) "Governing Body" means the person or group of persons as defined in Georgia law who maintain and control the home and who are legally responsible for the operation of the home.
- (o) "Health services" means the specialized assistance that may be provided by or at the direction of either licensed healthcare professionals, such as doctors, nurses, physical therapists or through licensed healthcare programs, such as home health agencies, hospices and private home care providers to address health needs that the home is not authorized by law or regulations to provide.
- (p) "Injury" as used in the definition of abuse means a wrong or harm caused by an individual to a resident which is manifested by a physical or behavioral reaction or change in the appearance or actions of the resident, such as, but not limited to, reddened or bruised skin not related to routine care, crying, startling or cowering reaction by the resident and malnutrition or pressure ulcers, such as skin breakdowns, for which the home has not provided proper care.
- (q) "Legal Surrogate" means a duly appointed person who is authorized to act, within the scope of the authority granted under the legal surrogate's appointment, on behalf of a resident who is adjudicated or certified incapacitated. The legal surrogate may act on a resident's behalf where a resident has not been adjudicated as incapacitated provided that the action is consistent with the resident's wishes and intent and is within the scope of the authority granted. Where such authority is exercised pursuant to a Power of Attorney executed by a resident, the facility must

maintain a copy of this document in the resident's files. The residents duly appointed legal surrogate(s) shall have the authority to act on the resident's behalf as established by written applicable federal and state of Georgia law and shall be entitled to receive information relevant to the exercise of his or her authority. No member of the governing body, administration, or staff of the personal care home or affiliated personal care homes or their family members may serve as the legal surrogate for a resident.

(r) "Limited nursing services" means the assessment of the physical, mental, and emotional status to determine the appropriate level of care for an individual; the performance of health maintenance activities, as defined in division (a)(9)(C)(ii) of Code Section 43-26-12; and the provision of any nursing care within the direct care staff person's scope of practice that can be completed within seven days or intermittently.

(s) "Medical alert system" means any device or combination of devices used to detect and immediately communicate that an individual is experiencing a medical emergency. Such device or combination of devices must be approved for their effectiveness by the department in its sole discretion.

(~~st~~) "Medical services" means services which may be provided by a person licensed pursuant to Article II of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. or appropriately licensed and supervised nurse practitioners and physicians' assistants.

(~~tu~~) "Memory care services" means the additional watchful oversight systems, program, activities and devices that are required for residents who have cognitive deficits which may impact memory, language, thinking, reasoning, or impulse control, and which place the residents at risk of eloping, i.e., engaging in unsafe wandering activities outside the home.

(~~tv~~) "Memory care center" means the freestanding or incorporated specialized unit within a personal care home or assisted living community that either:

(i) holds itself out as providing additional or specialized care to persons with diagnoses of probably Alzheimer's or other dementias or with cognitive deficits that may place the resident at risk; or

(ii) charges higher rates for care for residents with Alzheimer's or other dementias than for care to other residents.

(~~vw~~) "Non-Family Adult" means a resident 18 years of age or older who is not related by blood within the third degree of consanguinity or by marriage to the person responsible for the management of the personal care home or to a member of the governing body.

(~~wx~~) "Nursing services" means those services which may be rendered by a person licensed pursuant to Articles I and 2 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated.

(~~xy~~) "On-site manager" means the administrator or person designated by the administrator as responsible for carrying on the day-to-day management, supervision, and operation of the personal care home, who may also serve as the responsible staff person except during periods of his or her own absence.

(~~yz~~) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the facility providing care to persons under the license of the facility in this state and who:

1. purports to or exercises authority of the owner in a facility;
2. applies to operate or operates a facility;
3. maintains an office on the premises of a facility;
4. resides at a facility;
5. has direct access to persons receiving care at a facility;
6. provides direct personal supervision of facility personnel by being immediately available to provide assistance and direction during the time such facility services are being provided; or
7. enters into a contract to acquire ownership of a facility.

(~~zaa~~) "Permit" or "Regular Permit" means the authorization granted by the Department to the governing body to operate a Personal Care Home.

(~~aabb~~) "Personal Care Home", "home" or "facility" means any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.

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

(~~eedd~~) "Physician" means an individual who is currently licensed to practice medicine in the State of Georgia. For purposes of these rules, it shall be acceptable for any services required to be performed by a physician to be performed by any other licensed medical professional (i.e., Nurse Practitioner, Physician Assistant, etc.) who is permitted to provide such services under applicable state scope of practice rules and regulations.

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

(~~eeff~~) "Physical Restraints" are any manual or physical device, material, or equipment attached or adjacent to the resident's body that the individual cannot remove easily which restricts freedom or normal access to one's body. Physical restraints include, but are not limited to, leg restraints, arm restraints, hand mitts, soft ties or vests, and wheelchair safety bars. Also included as restraints are practices employed by the home which function as a restraint, such as tucking in a sheet so tightly that a bedbound resident cannot move, bedrails, or chairs that prevent rising, or

placing a wheelchair-bound resident so close to a wall that the wall prevents the resident from rising. Wrist bands or devices on clothing that trigger electronic alarms to warn staff that a resident is leaving a room do not, in and of themselves, restrict freedom of movement and should not be considered as restraints.

(~~ffgg~~) "Plan of Correction" means the written plan prepared in response to cited rule violations which identify by date certain the specific actions that will be taken by the personal care home to come into compliance with applicable rules.

(~~eghh~~) "Representative" means a person who voluntarily, with the resident's written authorization, may act upon resident's direction with regard to matters concerning the health and welfare of the resident, including being able to access personal records contained in the resident's file and receive information and notices pertaining to the resident's overall care and condition. This written authorization may take the form of an advance directive.

(~~hhi~~) "Resident" means any non-family adult receiving or requiring personal assistance and residing in a personal care home.

(~~hjj~~) "Responsible Staff Person" means the employee designated by the administrator or on-site manager as responsible for supervising the operation of the home during periods of temporary absence of the administrator or on-site manager.

(~~jjkk~~) "Self-administration of medications" or "self-administered medications" means those prescription or over-the-counter drugs that the resident personally chooses to ingest or apply where the resident has been assessed and determined to have the cognitive skills necessary to articulate the need for the medications and generally knows the times the medications are to be taken, and physical characteristics of medications to be taken.

(~~kkll~~) "Self-preservation" means the ability to respond to an emergency condition, whether caused by fire or otherwise, and escape the emergency without physical, hands-on assistance from staff. The resident may move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches, walker or hand rails, or by propelling a wheelchair or scooter.

Authority: O.C.G.A. §§ 31-2-7, 31-2-8, 31-2-9, 31-7-2.1, 31-7-1 et seq., 31-8-80 et seq.

Rule 111-8-62-.04 Applicability of Rules and Exemptions

(1) These rules apply to all personal care homes unless the facility is specifically exempted as provided in paragraph (2) of this rule.

(2) These regulations do not apply to the following facilities:

(a) Boarding homes or rooming houses which provide no personal services other than lodging and meals.

(b) Facilities offering temporary emergency shelter, such as those for the homeless and victims of family violence.

- (c) Other facilities, homes or residences licensed by the Department which have not been classified as personal care homes, e.g. assisted living communities, hospices, traumatic brain injury facilities, drug abuse treatment facilities.
- (d) Facilities providing residential services for federal, state or local correctional institutions under the jurisdiction of the criminal justice system.
- (e) Facilities regulated by the Department of Behavioral Health and Developmental Disabilities.
- (f) Host homes as defined in O.C.G.A. § 37-1-20(18).
- (g) Group residences organized by or for persons who choose to live independently or who manage their own care and share the cost of services including but not limited to attendant care, transportation, rent, utilities and food preparation.
- (h) Charitable organizations providing shelter and other services without charging any fee to the resident.
- (i) Any separate and distinct dwelling which is classified by the Department as a community living arrangement subject to the Rules and Regulations for Community Living Arrangements, Chapter 290-9-37. A facility classified as a Community Living Arrangement cannot be operated on the same premises as a personal care home.
- (j) Medical foster homes regulated by the U.S. Department of Veterans Affairs.

Authority: O.C.G.A. §§ 26-5-1, 31-2-4, 31-2-7, 31-7-1 et seq., 37-1-20(18).

Rule 111-8-62-.10 Staffing

- (1) Homes licensed for less than 25 beds must maintain a minimum on-site staff to resident ratio of one awake direct care staff person per 15 residents during waking hours and one awake direct care staff person per 25 residents during non-waking hours where the residents have minimal care needs. Homes licensed for 25 or more beds must maintain an average monthly minimum on-site staff to resident ratio of one awake direct care staff person per 15 residents during waking hours and one awake direct care staff person per 20 residents during non-waking hours. Average monthly minimum staffing levels shall be calculated and documented by the home using methods and forms specified by the department. Notwithstanding the above requirements, all homes must staff above these minimum on-site staff ratios to meet the specific residents' ongoing health, safety and care needs.
 - (a) Staff, such as cooks and maintenance staff, who do not receive on-going direct care training and whose job duties do not routinely involve the oversight or delivery of direct personal care to the residents, must not be counted towards these minimum staffing ratios. Personnel who work for another entity, such as a private home care provider, hospice, or private sitters cannot be counted in the staff ratios for the home.
 - (b) At least one administrator, on-site manager, or a responsible staff person must be on the premises 24 hours per day and available to respond to resident needs, with a minimum of one

staff person per occupied floor. Homes licensed for 25 beds or more must ensure that at least two on-site administrators or on-site direct care staff persons are present on the premises at all times with at least one staff person on each occupied floor and that person shall be required to remain posted on their designated floor at all times; provided, however, that the staff person posted on the designated floor may move about the premises as necessary if the personal care home has implemented a medical alert system and each resident has been offered a wearable device that connects to such system when activated to alert an administrator or direct care staff person of a medical emergency.

- (c) Residents must be supervised consistent with their needs.
- (2) All staff, including the administrator or on-site manager, who offer direct care to the residents on behalf of the home, must maintain an awareness of each resident's normal appearance and must intervene, as appropriate, if a resident's state of health appears to be in jeopardy.
- (3) For purposes of these regulations, a resident must not be considered a staff person.
- (4) All homes must develop and maintain accurate staffing plans that take into account the specific needs of the residents and monthly work schedules for all employees, including relief workers, showing planned and actual coverage for each day and night.
- (5) The home must retain the completed staff schedules for a minimum of one year.
- (6) Sufficient staff time must be provided by the home such that each resident:
 - (a) Receives treatments, medications and diet as prescribed.
 - (b) Receives proper care to prevent pressure ulcers and contractures.
 - (c) Is kept comfortable and clean.
 - (d) Is treated with dignity, kindness, and consideration and respect.
 - (e) Is protected from avoidable injury and infection.
 - (f) Is given prompt, unhurried assistance if she or he requires help with eating.
 - (g) Is given assistance, if needed, with daily hygiene, including baths, oral care.
 - (h) Is given assistance with transferring when needed.
- (7) The administrator, on-site manager, or staff person must not be under the influence of alcohol or other controlled substances while engaged in any work-related activity on behalf of the home.
- (8) A home licensed to serve more than 24 residents must ensure that staff wear employee identification badges which are readily visible.

(9) Medical Alert Systems. Homes utilizing medical alert systems to allow on-site staff to move about as specified in Rule 111-8-62-.10(1)(b) must meet the following requirements:

- (a) The medical alert system must include a wearable sensor device that enables the resident to request help when needed.
- (b) The home may encourage, but not require, residents to wear the sensor device and must ensure that residents who do not consistently wear the sensor device receive appropriate monitoring from staff.
- (c) The wearable sensor device must be programmed to immediately notify appropriate staff, and to identify the specific resident or location from which the alert signal has been made, by:
- (i) activating a portable electronic device worn by the administrator and/or a direct care staff person with an audible tone or vibration; or
- (ii) sending a signal to a stationary electronic device located in a designated area monitored by staff.
- (d) The home must establish policies and procedures which address the following requirements and must maintain documentation to demonstrate compliance with such policies and procedures:
- (i) routine testing and maintenance of the medical alert system;
- (ii) initial training for residents and staff on use of the system and additional training as needed;
- (iii) procedures for electrical outages or severe weather events that include making more frequent rounds to check on residents if the system is not working, as well as testing the system following such events to ensure operability; and
- (iv) a process for reviewing any documentation produced by the system for opportunities to enhance individualized care and service.
- (e) The department may prohibit a home from using or relying on a medical alert system if the above requirements are not met.

Authority: O.C.G.A. §§ 31-2-7, 31-2-9, 31-7-1 et seq., 31-7-250 et seq.

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 30 days prior to any increase 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.

- (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.
- (~~l~~) 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.
- (m) For residents first admitted after July 1, 2025, information on the medical alert system, if applicable, including a statement explaining that use of the system is optional for residents.
- (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.

Authority: O.C.G.A. §§ 31-2-7, 31-2-9, 31-7-1, 31-7-2.1, 31-7-12.

111-8-62-.19 Additional Requirements for Certified Memory Care Centers

(1) A home must meet the additional requirements contained in rule 111-8-62-.19 where the home serves persons with probable diagnoses of Alzheimer's Disease or other dementia and does any of the following:

- (a) Holds itself out as providing additional or specialized care to such residents; or
- (b) Charges rates in excess of that charged other residents for the provision of additional or specialized care.

(2) Written Description. The home must develop an accurate written description of the memory care center that includes the following:

- (a) A statement of philosophy and mission.
- (b) How the services of the memory care center are different from services provided in the rest of the personal care home.
- (c) Staffing, including job titles of staff who work in the center, staff training and continuing education requirements.
- (d) Admission procedures, including screening criteria.
- (e) Assessment and service planning protocol, including criteria to be used that would trigger a reassessment of the resident's status before the customary quarterly review.
- (f) Staffing patterns, maintained within the center, including the ratio of direct care staff to resident for a 24-hour cycle.
- (g) A description of the physical environment including safety and security features.
- (h) A description of activities, including frequency and type, how the activities meet the needs of residents with dementia.
- (i) The program's fee or fee structure for all services provided by the center.
- (j) Discharge criteria and procedures;
- (k) The procedures that will be utilized for handling emergency situations.
- (l) The involvement of the center with families and family support programs.

(3) Disclosure of Description. A personal care home with a memory care center must disclose the written description of the center to:

- (a) Any person upon request.

- (b) The family or resident's representative before admission of the resident to the center.
- (4) Physical Design, Environment, and Safety. The memory care center must be designed to accommodate residents with severe dementia or Alzheimer's Disease in a home-like environment which includes the following:
 - (a) Multipurpose room(s) for dining, group and individual activities which are appropriately furnished to accommodate the activities taking place.
 - (b) Secured outdoor spaces and walkways which are wheel chair accessible and allow residents to ambulate safely but prevent undetected egress.
 - (c) High visual contrasts between floors and walls and doorways and walls in resident use areas except for fire exits, door and access ways which may be designed to minimize contrast to conceal areas where the residents should not enter.
 - (d) Adequate and even lighting which minimizes glare and shadows.
 - (e) The free movement of the resident, as the resident chooses, between the common space and the resident's own personal space in a bedroom that accommodates no more than four residents.
 - (f) Individually identified entrances to residents' rooms to assist residents in readily identifying their own personal spaces.
 - (g) An effective automated device or system to alert staff to individuals entering or leaving the building in an unauthorized manner. A home need not use an automated alert for an exit door when the particular exit is always staffed by a receptionist or other staff member who views and maintains a log of individuals entering and leaving the home. If the exit door is not always staffed, then the home must have a system that activates an automated alert when the door is not attended;
 - (h) A communication system(s) which permit staff in the center to communicate with other staff outside the center and with emergency services personnel as needed; and
 - (i) A center or home which undergoes major renovation or is first constructed after December 9, 2009 must be designed and constructed in compliance with applicable state and local building and fire codes relevant to the center and the home.
- (5) Staffing Requirements. The home must ensure that the center is staffed at all times with sufficient specially trained staff to meet the unique needs of the residents in the center. At a minimum, the home must provide the following staffing:
 - (a) One dementia trained direct care staff person for every 12 residents on-site during all waking hours and for every 15 residents on-site during all nonwaking hours based on a monthly average; provided, however, that such ratio is adequate to meet the needs of the residents;
 - (b) One registered professional nurse, licensed practical nurse, or certified medication aide on-site or available in the building at all times;

- (c) Two direct care staff persons on-site at all times, which may include one licensed registered professional nurse, licensed practical nurse, or certified medication aide, if they remain on-site in the memory care center with at least one on each occupied floor; and
- (d) One registered professional nurse or licensed practical nurse on-site or available in the building at all times as follows:
 - (i) For memory care centers with one to 12 residents, a minimum of eight hours per week;
 - (ii) For memory care centers with 13 to 30 residents, a minimum of 16 hours per week;
 - (iii) For memory care centers with 31 to 40 residents, a minimum of 24 hours per week; or
 - (iv) For memory care centers with more than 40 residents, a minimum of 40 hours per week.
- (6) Staff Training Requirements. The home shall ensure that all staff are properly trained initially and on an annual basis to provide safe, quality care to residents in the memory care center. Effective July 1, 2021, the memory care center shall meet the following training requirements:
 - (a) General Orientation. All staff, regardless of role, shall receive at least four (4) hours of dementia-specific orientation within the first thirty (30) days of working in the center. Such orientation shall include:
 - (i) Basic information about the nature, progression, and management of Alzheimer's and other dementias;
 - (ii) Techniques for creating an environment that minimizes challenging behavior from residents with Alzheimer's and other dementias;
 - (iii) Methods of identifying and minimizing safety risks to residents with Alzheimer's and other dementias; and
 - (iv) Techniques for successful communication with individuals with Alzheimer's and other dementias.
 - (b) Direct Care Orientation. All direct care staff shall receive initial orientation training within the first thirty (30) days of caring for residents independently that, at a minimum, includes:
 - (i) General training, to include:
 - (A) Development, updating, and implementation of comprehensive and individual service plans;
 - (B) Skills for recognizing physical or cognitive changes in the resident that warrant seeking medical attention;
 - (C) Residents' rights and identification of conduct constituting abuse, neglect, or exploitation;
 - (D) General infection control principles;

- (E) Emergency preparedness training;
 - (F) Emergency first aid; and
 - (G) Cardiopulmonary resuscitation.
- (ii) A minimum of sixteen (16) hours of specialized, competency-based training using forms specified by the department, to include, at a minimum:
- (A) The nature of Alzheimer's and other dementias;
 - (B) The center's philosophy related to the care of residents with Alzheimer's and other dementias;
 - (C) The center's policies and procedures related to care of residents with Alzheimer's and other dementias;
 - (D) Common behavior problems characteristic of residents with Alzheimer's and other dementias;
 - (E) Positive therapeutic interventions and activities;
 - (F) Skills for maintaining the safety of the resident; and
 - (G) The role of the family in caring for residents with Alzheimer's and other dementias.

(iii) Staff members who have passed a memory care specialist competency exam established by the department, as documented by the home, may satisfy the training requirements of Rule 111-8-62-.19(6)(b)(ii) by completing a minimum of four (4) hours of training on the topics specified in Rule 111-8-62-.19(6)(b)(ii)(B) and (C).

(c) Ongoing Training. Direct care staff shall complete a minimum of eight (8) hours of specialized competency-based training in dementia care on an annual basis using forms specified by the department.

(d) Hospice Training for Certified Medication Aides Administering Morphine. The memory care center shall ensure that any medication aide(s) who will be administering liquid morphine to any hospice patient(s) residing in the center receive adequate training from a licensed hospice on the safe and proper administration of liquid morphine prior to such administration and on an annual basis thereafter. The memory care center shall maintain documentation of all training provided.

(e) Training Documentation. The memory care center shall maintain documentation reflecting course content, instructor qualifications, agenda, and attendance rosters for all training sessions provided.

(7) Special Admission Requirements for Memory Care Center Placement. Residents must have a Report of Physical Examination completed by a licensed physician, nurse practitioner or physician's assistant within 30 days prior to admission to the center on forms provided by Department. The physical examination must clearly reflect that the resident has a diagnosis of

probable Alzheimer's Disease or other dementia and has symptoms which demonstrate a need for placement in the center. However, the center may also care for a resident who does not have a probable diagnosis of Alzheimer's Disease or other dementia, but desires to live in the center as a companion to a resident with a probable diagnosis of Alzheimer's Disease or other dementia with which the resident has a close personal relationship. In addition, the physical examination report must establish that each potential resident of the center does not require 24-hour skilled nursing care.

(8) Post-Admission Assessment. The home must assess each resident's care needs to include the following components: resident's family supports, level of activities of daily living functioning, physical care needs and level of behavior impairment.

(9) Individual Service Plans. The post-admission assessment must be used to develop the resident's individual service plan within 14 days of admission. The service plan must be developed by a team with at least one member of the direct care staff participating and input from each shift of direct care staff that provides care to the resident. All team members participating must sign the service plan and the service plan must be shared with the direct care staff providing care to the resident and serve as a guide for the delivery of services to the resident. The service plan must include the following:

(a) A description of the resident's care and social needs and the services to be provided, including frequency to address care and social needs.

(b) Resident's expressed preferences regarding care, activities and interests.

(c) Specific behaviors to be addressed with interventions to be used.

(d) Names of staff primarily responsible for implementing the service plan.

(e) Evidence of family involvement in the development of the plan, if possible, with incorporation of family and personal history to support a person-centered approach to care.

(f) Evidence of the service plan being updated at least quarterly or more frequently if the needs of resident change substantially.

(10) Therapeutic Activities. The center must provide therapeutic activities appropriate to the needs of the individual residents and adapt the activities, as necessary, to encourage the participation of the residents. The following kinds of therapeutic activities must be provided at least weekly with at least some therapeutic activities occurring daily:

(a) Gross motor activities; e.g. exercise, dancing, gardening, cooking, other outdoor activities.

(b) Self-care activities; e.g. dressing, personal hygiene/grooming;

(c) Social activities; e.g. games, music, crafts.

(d) Sensory enhancement activities, e.g. distinguishing pictures and picture books, reminiscing and scent and tactile stimulation.

(11) No licensed personal care home may provide or hold itself out as providing specialized care for residents with probable Alzheimer's disease or other dementia or charge a differential rate for care of residents with cognitive deficits that place the residents at risk of engaging in unsafe wandering activities (eloping) unless it meets the additional requirements specified in Rule 111-8-62-.19.

Authority: O.C.G.A. §§ 31-2-7, 31-2-9, 31-7-1 et seq., 43-26-12.