

Georgia's Proposed Personal Care Home Rules Criticized and Postponed

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At 10 a.m. on December 29, 2010, the Department of Community Health ("DCH") held a meeting to allow for public comment upon its proposed Personal Care Home rules. Approximately 250 people gathered - some standing or in overflow — to voice their concerns over the rules. Those included administrators and staff from smaller personal care homes, owners and operators of larger homes, and representatives from Georgia's PCH member organizations.

Lisa Marie Shekell notified the audience at the outset that DCH had already agreed to take another look at the rules and to not present the current proposed rules to the Board at its next meeting. Despite this, the meeting lasted three hours and many individuals took the opportunity to express their disappointment and concern over the rules.

Nearly every speaker voiced a desire that a task force be assembled to take a further look at the rules or to consider rewriting them entirely. Walter Coffee (Pres. & CEO of Aging Services of Georgia) requested that DCH assemble a task force composed of consumers, providers, agency experts and surveyors. Judy Gill (GAACP) echoed these suggestions, and many speakers commented upon the lack of communication from DCH throughout this process.

Smaller operators disagreed with the rules in that they propose to treat 2- to 6-bed homes differently based upon whether the operator lives at the home. They stressed that stringent construction/design rules would force smaller operators to close.

Many believed that the proxy care giver rules should more closely track the language of H.B. 1040 and that the rules as written were vague and ambiguous and would confuse inspectors and operators.

Genia Ryan (Georgia ALFA) and Ms. Gill both stressed that the complete "self-preservation" requirement must be changed. Ms. Ryan explained that 90% of States allow residents needing "assisted self-preservation" to remain in a personal care home. Ms. Ryan emphasized that the rules as proposed conflict with

existing fire safety regulations, and would result in residents being forced into more expensive facilities.

Dan Day (Pres. of ALAG) agreed with concerns voiced by other speakers. He explained that it had been 16 years since the PCH rules had been revised and that care must be taken to ensure that this is done correctly. As the population continues to age, he noted, the quality of these rules will impact the quality of life for countless seniors in Georgia. Mr. Day pointed out that the proposed criminal background check rules offer little to no guidance as to how a PCH should go about checking the background of a resident.

Doug Colburn presided over the meeting, however, offered little insight as to how DCH would proceed and did not respond to each speakers' comments. He did offer these comments in an AJC article published later on December 29th:

We won't be presenting this proposal to the [DCH] board at the next meeting, but we will work to revise the [proposed] rule so it won't be construed as so restrictive. ... At the end of the day, it won't be a rule that will put people out of an assisted living home, or put anyone out of business ... What we ultimately put forward, won't be this. Proposed Assisted Living Change Causes Stir, Atlanta Journal-Constitution, December 29, 2010.

Interestingly, the AJC article reported that the decision of how to proceed is 'up to the Board', according to Mr. Colburn, but that DCH staff is recommending that the rule changes be tabled indefinitely.

We will continue to monitor DCH's actions regarding these important rules and will continue to keep you updated.

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