

LEGISLATIVE

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Personal Care Home Requirements

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The problem:

Personal care Homes (PCH) across Georgia do not always comply with local licensing requirements for fire and code enforcement, putting residents, staff, and visitors at risk for health and safety issues. Obtaining a local business license alerts the local fire department and code enforcement agencies to make their visits to assure that requirements, codes, and ordinances are being followed.

PCH operators do not always follow the law or the rules for providing services, for allowing inspections by Healthcare Facility Regulation (HFR) Division of the Department of Community Health and other entities, and for assuring access to residents by Ombudsman Representatives.

The PCH rules currently have limits on the fines and sanctions that HFR may impose when a PCH does not follow the laws and rules. The fines and sanctions should be strengthened and increased to provide meaningful penalties.

What other states are doing:

According to the AARP Long Term Services and Supports Scorecard for 2017, Georgia ranks 36 among the states in quality of life and care for long-term services and supports and 44 for choice of setting and provider.

What this legislation would do:

Legislation could provide HFR with more options for sanctions and more categories for violations. The penalty for willfully interfering with the Long-Term Care Ombudsman, including denying access to the PCH and the residents, is currently a misdemeanor. The law should be changed to increase the penalty.

Any Opposition:

Personal Care Home providers may oppose the increased sanctions.

Helpful Resources:

Please see a federally funded report about unlicensed Personal Care Homes at:
<https://aspe.hhs.gov/basic-report/understanding-unlicensed-care-homes-final-report>

AARP Long-Term Services and Supports Scorecard report at:
<http://www.longtermscorecard.org/>

Story from the Augusta Chronicle from April 16, 2017
<http://chronicle.augusta.com/news/2017-04-15/oversight-often-lacking-personal-care-homes-elderly-disabled>