

Senate Bill 95

By: Senators Watson of the 1st, Hatchett of the 50th, Summers of the 13th, Albers of the 56th, Robertson of the 29th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to
2 exemptions from the certificate of need program, so as to revise an exemption from
3 certificate of need requirements concerning life plan communities; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions
8 from the certificate of need program, is amended by revising paragraph (17) of subsection (a)
9 as follows:

10 "(17) ~~Life~~ For profit and not for profit life plan communities, provided that the skilled
11 nursing component of the facility in a not for profit life plan community is for the
12 exclusive use of residents of the life plan community and that a written exemption is
13 obtained from the department; ~~provided, however, that new.~~ New sheltered nursing home
14 beds may be used on a limited basis by persons who are not residents of ~~the~~ a not for
15 profit life plan community for a period up to five years after the date of issuance of the
16 initial nursing home license, but such beds shall not be eligible for Medicaid

17 reimbursement. For the first year, the not for profit life plan community sheltered nursing
18 facility may utilize not more than 50 percent of its licensed beds for patients who are not
19 residents of the life plan community. In the second year of operation, the not for profit life
20 plan community shall allow not more than 40 percent of its licensed beds for new patients
21 who are not residents of the life plan community. In the third year of operation, the not for
22 profit life plan community shall allow not more than 30 percent of its licensed beds for new
23 patients who are not residents of the life plan community. In the fourth year of operation,
24 the not for profit life plan community shall allow not more than 20 percent of its licensed
25 beds for new patients who are not residents of the life plan community. In the fifth year of
26 operation, the not for profit life plan community shall allow not more than 10 percent of its
27 licensed beds for new patients who are not residents of the life plan community. At no time
28 during the first five years shall the not for profit life plan community sheltered nursing
29 facility occupy more than 50 percent of its licensed beds with patients who are not residents
30 under contract with the life plan community. At the end of the five-year period, the not for
31 profit life plan community sheltered nursing facility shall be utilized exclusively by residents
32 of the life plan community, and at no time shall a resident of a not for profit life plan
33 community be denied access to the sheltered nursing facility. At no time shall any existing
34 patient be forced to leave the life plan community to comply with this paragraph. Sheltered
35 nursing home beds in a for profit life plan community utilized by nonresidents of the life plan
36 community shall not be eligible for Medicaid reimbursement. The department is authorized
37 to promulgate rules and regulations regarding the use and definition of the term 'sheltered
38 nursing facility' in a manner consistent with this Code section. Agreements to provide
39 continuing care include agreements to provide care for any duration, including agreements
40 that are terminable by either party;"

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SECTION 2.

42 All laws and parts of laws in conflict with this Act are repealed.