

Senate Bill 456

By: Senators Strickland of the 17th, Kirkpatrick of the 32nd, Watson of the 1st, Albers of the 56th, Harrell of the 40th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 14A of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to the central caregiver registry, so as to add disabled persons to the registry; to
3 provide for definitions; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 14A of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
8 the central caregiver registry, is amended by revising Code Section 31-7-380, relating to the
9 purpose and intent of the caregiver registry, as follows:

10 "31-7-380.

11 The purpose of this article is to enable employers who are family members or guardians
12 of elderly persons or disabled persons to obtain an employment eligibility determination
13 from the department for applicants who are seeking to provide and employees who are
14 providing personal care services to their family members or wards. It is the intent of the
15 General Assembly to allow the department to establish and maintain a caregiver registry
16 so as to provide such employers with access to employment eligibility determinations

17 conducted by the department in a similar manner as licensed facilities receive employment
18 determinations as provided in Article 14 of this chapter."

19 **SECTION 2.**

20 Said article is further amended by revising Code Section 31-7-381, relating to definitions,
21 as follows:

22 "31-7-381.

23 As used in this article, the term:

24 (1) 'Applicant' means an individual applying to provide personal care services to an
25 elderly or disabled person in a residence or location not licensed by the department.

26 (2) 'Criminal background check' means a search of the criminal records maintained by
27 Georgia Crime Information Center and the Federal Bureau of Investigation to determine
28 whether an applicant or employee has a criminal record.

29 (2.1) 'Disabled person' means an adult or child who is mentally or physically
30 incapacitated or has Alzheimer's disease or has dementia.

31 (3) 'Elderly person' means an individual who is 65 years of age or older.

32 (4) 'Employee' means any individual who is providing personal care services to an
33 elderly or disabled person in a residence or location not licensed by the department.

34 (5) 'Employer' means an individual who is considering an applicant or has hired an
35 employee for a family member or ward or themselves, if they meet the statutory criteria
36 and are independent. Such term shall include entities arranging care for Medicaid
37 members through structured family caregiving.

38 (6) 'Family member' means an individual with a close familial relationship, including,
39 but not limited to, a spouse, parent, sibling, or grandparent.

40 (7) 'Personal care services' means home care, health care, companionship, or
41 transportation and includes, but is not limited to, providing assistance with bathing,
42 eating, dressing, walking, shopping, fixing meals, and housework.

43 (8) 'Registry check' means a review of the nurse aide registry provided for in Code
44 Section 31-2-14, the state sexual offender registry, and the List of Excluded Individuals
45 and Entities as authorized in Sections 1128 and 1156 of the federal Social Security Act,
46 as it existed on February 1, 2018, or any other registry useful for the administration of
47 this article as specified by rules of the department.

48 (9) 'Ward' means an ~~elder~~ elderly or disabled person for whom a guardian has been
49 appointed pursuant to Title 29."

50 **SECTION 3.**

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