



Georgia Department of Early Care and Learning

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Nathan Deal
Governor

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Commissioner

MEMORANDUM

To: All Adult Day Care Centers and Facilities Applying to or Participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP)

From: Falita S. Flowers, Nutrition Services Director (*Original Signed*)

Date: October 1, 2015

Subject: Notification of New Licensing Requirements for Adult Care Centers

Legal Authority: O.C.G.A. § 49-6-80; Rules of the Department of Community Health Chapter 111-8-1

Cross Reference: DECAL Policy No. CACFP 07-33

Definitions: "Adult Day Care Center" means any public or private nonprofit organization or any for-profit center that (a) is licensed or approved by Federal, State or local authorities to provide nonresidential adult day care services to functionally impaired adults (as defined in this section) or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis and (b) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related support services to enrolled adult participants through an individual plan of care.

"Adult day care facility" means a licensed or approved adult day care center under the auspices of a sponsoring organization.

The purpose of this memorandum is to notify adult day care centers applying to or participating in the CACFP or SFSP, of new State licensing requirements. Adult care centers must be licensed by the Georgia Department of Community Health in order to be eligible to participate in the CACFP. This requirement became effective January 7, 2015. Bright from the Start: Georgia Department of Early Care

and Learning's (DECAL) CACFP Policy No. 07-33, *Eligibility Requirements for Adult Daycare Centers*, February 14, 2007) has been updated to reflect the new requirements.

During the 2003-2004 Legislative Session, Georgia passed the *Adult Day Center for Aging Adults Licensure Act* (O.C.G.A. 49-6-80 et seq.). The act authorizes the licensure and regulation of adult day care and adult day health service providers. The Georgia Department of Community Health later received funding to initiate and implement an adult day care licensure program and established the Rules and Regulations for Adult Care Centers (Rule 111-8-1, January 7, 2015). The following information highlights some of the requirements from this provision.

The Rules and Regulations for Adult Care Centers provides licensing and inspection of adult day care centers which provide adult day care services and/or adult day health services to three (3) or more adults, and to establish the minimum standards for the operation of adult day centers. Additionally, the rules are designed to promote, safeguard and protect the well-being of adults participating in adult care who need such services.

There are exemptions to the rules and regulations for adult day care centers. Those exemptions are:

1. Individuals or organizations operating an adult day center without receiving compensation as a condition of the participant's receiving such services;
2. Individuals or organizations that provide services for compensation to only one (1) or two (2) participants;
3. Programs which provide day habilitation and treatment services exclusively for developmentally disabled persons;
4. Respite care services programs, provided the program meets all parts of the definition for a respite care service program as outlined in Rule 111-8-1-.04(hh); and
5. Individuals or organizations solely funded by the Georgia Department of Behavioral Health.

Unless exempted under the aforementioned conditions, no person, partnership, entity, corporation, or association, whether operated for profit or non-profit, shall operate an adult day center without first obtaining a valid license from the Department of Community Health [Rule 111-8-1-.05(1)]. Additionally, unless exempted, no entity or person shall use terms in its business name or marketing materials to imply or indicate that it is an adult day care center unless the entity or person holds a valid license issued by the Department [Rule 111-8-1-.05(3)].

For all adult day care centers or facilities required to meet the adult day care licensing requirement, please ensure an application for licensure is submitted to the Georgia Department of Community Health as soon as possible. Institutions required to provide proof of licensure for CACFP participation may forward the documentation via facsimile to: ATTN: Nutrition Application Specialist, Fax Number: (404) 651-7340.

Instructions for Adult Day Care Center Applications and be found here:

http://dch.georgia.gov/sites/dch.georgia.gov/files/ADC-InitialLicensurePacket-1-15-15_0.pdf.

Institutions may access the Rules and regulations for Adult Day Centers at:

http://dch.georgia.gov/sites/dch.georgia.gov/files/111-8-1-Final-Rule_ADCs_121114.pdf

For additional information, please contact:

The Department Community Health

Office of Healthcare Facility Regulation

(404) 657-5700, Web Address: <http://dch.georgia.gov/healthcare-facility-regulation-0>

For questions concerning this memorandum, please contact Sonja Adams, Policy Administrator at (404) 651-8193.