



Client Alert



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Personal Care Homes Exempt From CON Review

Assisted living facilities are licensed in Georgia as “personal care homes.” Until July 1, 2008, each personal care home in the state was required to file an extensive application and obtain a certificate of need (“CON”) from the Georgia Department of Community Health (“DCH”) if it had more than 25 beds. Senate Bill 433, which became effective July 1, 2008, extensively revised the CON program. Included within the revisions to the CON program is the addition of the clause “that is certified as a provider of medical assistance for Medicaid purposes . . .” to the definition of a “personal care home.” This means that a personal care home is no longer required to obtain a CON unless it seeks to become certified as a provider of medical assistance for Medicaid purposes.

In its guidance to personal care homes on its website, DCH has further confirmed that existing personal care homes that seek to increase their bed numbers can expand “without prior CON review and approval unless the personal care home were to be a certified Medicaid provider.”

The recent changes to the law present an opportunity to anyone seeking to develop a personal care home in the State of Georgia. Any provider that is contemplating the development of a new personal care home or the expansion of an existing personal care home should contemplate seeking official written confirmation from DCH that its proposed activity is not subject to a prior CON review and approval. Such confirmation can be obtained by submitting a Request for Determination to DCH.

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