



# Client Alert



Contact Attorneys Regarding This Matter:

Hedy Silver Rubinger  
404.873.8724 – direct  
[hedy.rubinger@agg.com](mailto:hedy.rubinger@agg.com)

Erin R. Kendall  
404.873.7030 – direct  
[erin.kendall@agg.com](mailto:erin.kendall@agg.com)

Arnall Golden Gregory LLP  
Attorneys at Law

171 17th Street NW  
Suite 2100  
Atlanta, GA 30363-1031

One Biscayne Tower  
Suite 2690  
2 South Biscayne Boulevard  
Miami, FL 33131

2001 Pennsylvania Avenue NW  
Suite 250  
Washington DC 20006

[www.agg.com](http://www.agg.com)

## DCH Warns Personal Care Homes Against Using the Term “Assisted Living”

On April 10, 2012, the Georgia Department of Community Health (DCH) published a notice, available [here](#),<sup>1</sup> regarding the use of the term “assisted living” by licensed personal care homes. The notice refers to O.C.G.A. § 10-1-393(26), which prohibits a personal care home or assisted living community from “offering, advertising to, or soliciting the public” to provide services that are outside the scope of personal care services or assisted living care that the facility has been specifically authorized to provide. Personal care homes and assisted living facilities provide different levels of services to their residents. Personal care homes and assisted living facilities are governed by different statutes and regulations, and require different licenses from the state.

Therefore, DCH warns that it will not issue an initial permit to any personal care home that uses the term “assisted living” in the name of the home or any of its marketing materials. Moreover, currently licensed personal care homes that use the term “assisted living” in their name or marketing materials must remove the term as soon as practical, but not later than May 1, 2013. If the currently licensed personal care home does not wish to remove the term “assisted living” from its name or marketing materials, it must apply to become licensed as an assisted living community.

For more information regarding the distinctions between assisted living communities and personal care homes under Georgia law, please see previously published articles by clicking [here](#)<sup>2</sup> and [here](#).<sup>3</sup>

- [http://dch.georgia.gov/vgn/images/portal/cit\\_1210/17/51/183672944Notice\\_Assisted\\_Living.pdf](http://dch.georgia.gov/vgn/images/portal/cit_1210/17/51/183672944Notice_Assisted_Living.pdf)
- <http://www.agg.com/media/interior/publications/Gardner-Georgia-General-Assembly-Passes-Senate-Bill-178.pdf>
- <http://www.agg.com/media/interior/publications/Rubinger-Grozine-GA-DCH-Publishes-Final-Regulations-and-Application-Materials-for-ALCs.pdf>

*Arnall Golden Gregory LLP serves the business needs of growing public and private companies, helping clients turn legal challenges into business opportunities. We don't just tell you if something is possible, we show you how to make it happen. Please visit our website for more information, [www.agg.com](http://www.agg.com).*

*This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.*