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## ELDER LAW MINUTE

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For the last two weeks, we have been exploring the rights of nursing home residents. This week, let's take a look at Personal Care Home residents.

Personal Care Homes ("PCH") are also referred to as Assisted Living Facilities. These are residential centers which assist residents with some of their activities of daily living such as cooking, bathing, cleaning, toileting, transferring and taking medications.

Each PCH must have an on-site manager on the premises 24 hours per day and must provide at least one staff person per 15 residents during waking hours, and one staff person per 25 residents during non-waking hours. DHR Regs. § 290-5-35-.13. The staff must be trained and certified in emergency first aid, cardiopulmonary resuscitation and emergency evacuation procedures. DHR Regs. § 290-5-35-.14.

PCHs may not admit or retain non-ambulatory residents. Nor may they admit or retain residents who need to be restrained, isolated or confined. DHR Regs. § 290-5-35-.15. Persons who are confined to their bed or need continuous medical or nursing care are also not appropriate for placement in a PCH.

All medications required by a PCH resident must be self-administered except for insulin which can be injected by a staff person designated by the resident's physician. That staff person must be trained and qualified to administer the insulin to that particular resident. DHR Regs. § 290-5-35-.19.

However, the staff may remind residents of the time to take their medication. The staff may also read the instructions to the resident on the container. And, the staff may double-check the dosage against the information on the container for the resident.

Many PCHs try to provide continuing care to their residents after the resident's needs exceed the facility's capacity to provide adequate care. If you know someone in a PCH who is non-ambulatory or is bed-bound and the facility is administering medications to him, clearly the facility is violating the PCH rules and is probably putting the resident at risk.

*Member of the National Academy of Elder Law Attorneys*