

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 1039, Page 12, Section 161.264, Line 55,
2 by inserting after all of said section and line the following:

3
4 "198.700. 1. As used in this section, the following terms mean:

5 (1) "Long-term care facility", any facility licensed under this chapter;

6 (2) "Referral agency", an individual or entity that provides referrals to a long-term care
7 facility for a fee that is collected from the long-term care facility. The term "referral agency" shall
8 not include a long-term care facility or its employees, a family member of a resident of a long-term
9 care facility, or a resident of a long-term care facility regardless of whether the resident who refers a
10 prospective resident to a long-term care facility receives a discount or other remuneration from the
11 long-term care facility.

12 2. A referral agency shall disclose or provide, as applicable, to a prospective resident or the
13 representative of the prospective resident referred to a long-term care facility:

14 (1) Written or electronic documentation of the existence of any relationships between the
15 referral agency and the long-term care facility, including common ownership or control of the long-
16 term care facility and financial, business, management, or familial relationships between the referral
17 agency and the long-term care facility;

18 (2) That the referral agency receives a fee from the long-term care facility for the referral;
19 and

20 (3) Written documentation of the agreement between the referral agency and the prospective
21 resident or representative of the prospective resident. The agreement shall include:

22 (a) The right of the prospective resident or representative of the prospective resident to
23 terminate the referral agency's services for any reason at any time;

24 (b) A requirement that the referral agency communicate the cancellation of the agreement to
25 all long-term care facilities to which the prospective resident has been referred;

26 (c) The right of the prospective resident or representative of the prospective resident to
27 request not to be contacted in the future by the referral agency; and

28 (d) The right of the prospective resident or representative of the prospective resident to
29 receive the referral agency's privacy policy upon request to the referral agency.

Action Taken _____ Date _____

1 3. (1) The referral agency and the prospective resident or representative of the prospective
2 resident shall sign and date, in writing or electronically, the agreement required in subsection 2 of
3 this section. The referral agency shall provide a written or electronic copy of the signed agreement
4 to the long-term care facility on or before the date the resident is admitted to the long-term care
5 facility.

6 (2) The long-term care facility shall:

7 (a) Not pay the referral agency a fee until such facility receives the written or electronic
8 agreement required in subsection 2 of this section;

9 (b) Maintain a written or electronic copy of the agreement required in subsection 2 of this
10 section at the long-term care facility for at least one year after the date that the new resident is
11 admitted; and

12 (c) Not sell or transfer the prospective resident's or prospective resident's representative's
13 contact information to a third party without the written consent of the prospective resident or
14 representative of the prospective resident.

15 4. A referral agency that violates this section is subject to a civil penalty of up to five
16 hundred dollars per violation.

17 5. The attorney general or a circuit attorney may bring a civil action on behalf of the state to
18 seek the imposition of a civil penalty for a violation of this section or to enjoin the continuance of
19 the violation by the referral agency."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.