

# HOUSE BILL NO. 1733

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AMATO.

3644H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 198, RSMo, by adding thereto one new section relating to referrals to assisted living facilities, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 198, RSMo, is amended by adding thereto one new section, to be known as section 198.700, to read as follows:

**198.700. 1. As used in this section, the following terms mean:**

2 (1) "Assisted living facility", any facility licensed under this chapter;

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

10 2. A referral agency shall disclose to a prospective resident or the representative  
11 of the prospective resident referred to an assisted living facility:

12 (1) Documentation of the existence of any relationships between the referral  
13 agency and the assisted living facility, including common ownership or control of the  
14 assisted living facility and financial, business, management, or familial relationships  
15 between the referral agency and the assisted living facility;

16 (2) That the referral agency receives a fee from the assisted living facility for the  
17 referral; and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

23           **(b) A requirement that the referral agency communicate the cancellation of the**  
24 **agreement to all assisted living facilities to which the prospective resident has been**  
25 **referred.**

26           **3. (1) The referral agency and the prospective resident or representative of the**  
27 **prospective resident shall sign and date the documentation required in subsection 2 of**  
28 **this section. The referral agency shall provide a written or electronic copy of the signed**  
29 **disclosure to the assisted living facility on or before the date the resident is admitted to**  
30 **the assisted living facility.**

31           **(2) The assisted living facility shall:**

32           **(a) Not pay the referral agency a fee:**

33           **a. Until written receipt of the documentation required in subsection 2 of this**  
34 **section; and**

35           **b. On or after the date the agreement between the referral agency and the**  
36 **prospective resident or representative of the prospective resident is terminated;**

37           **(b) Maintain a written or electronic copy of the documentation required in**  
38 **subsection 2 of this section at the assisted living facility for at least one year after the**  
39 **date that the new resident is admitted; and**

40           **(c) Not sell or transfer the prospective resident's or prospective resident's**  
41 **representative's contact information to a third party without the written consent of the**  
42 **prospective resident or representative of the prospective resident.**

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

45           **5. The attorney general or a circuit attorney may bring a civil action on behalf of**  
46 **the state to seek the imposition of a civil penalty for a violation of this section or to**  
47 **enjoin the continuance of the violation by the referral agency.**

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