

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 943, Pages 17-19, Section 198.700, Lines
2 1-54, by deleting all of said lines and inserting in lieu thereof the following:

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

5 (1) "Facility", an independent living facility or a long-term care facility, as those terms are
6 defined in this section;

7 (2) "Independent living facility", a communal living structure in which at least fifty percent
8 of the residents are fifty-five years of age or older that provides its residents with on-site access to
9 dining, transportation, medical care, and basic housekeeping and laundry services and that is not
10 licensed by the state;

11 (3) "Long-term care facility", any facility licensed under this chapter;

12 (4) "Referral agency", an individual or entity that provides referrals to a facility for a fee
13 that is collected from the facility. The term "referral agency" shall not include a facility or its
14 employees, a family member of a resident of a facility, or a resident of a facility regardless of
15 whether the resident who refers a prospective resident to a facility receives a discount or other
16 remuneration from the facility.

17 2. A referral agency shall disclose or provide, as applicable, to a prospective resident or the
18 representative of the prospective resident referred to a facility:

19 (1) Written or electronic documentation of the existence of any relationships between the
20 referral agency and the facility, including common ownership or control of the facility and financial,
21 business, management, or familial relationships between the referral agency and the facility;

22 (2) That the referral agency receives a fee from the facility for the referral; and

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

25 (a) A detailed description of the services provided by the referral agency in exchange for the
26 fee paid by the facility;

27 (b) The right of the prospective resident or representative of the prospective resident to
28 terminate the referral agency's services for any reason at any time without a fee or other penalty for
29 such termination;

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1 (c) A requirement that the referral agency communicate the cancellation of the agreement to
2 all facilities to which the prospective resident has been referred;

3 (d) The right of the prospective resident or representative of the prospective resident to
4 request not to be contacted in the future by the referral agency; and

5 (e) The right of the prospective resident or representative of the prospective resident to
6 receive the referral agency's privacy policy upon request to the referral agency.

7 3. (1) The referral agency and the prospective resident or representative of the prospective
8 resident shall sign and date, in writing or electronically, the agreement required in subsection 2 of
9 this section. The referral agency shall provide a written or electronic copy of the signed agreement
10 to the facility on or before the date the resident becomes an occupant of or is admitted to the facility.
11 No referral agency shall charge a fee or other penalty to any facility resulting from the termination
12 of an agreement by a prospective resident or representative of a prospective resident.

13 (2) The facility shall:

14 (a) Not pay the referral agency a fee until such facility receives the written or electronic
15 agreement required in subsection 2 of this section and the resident becomes an occupant of or is
16 admitted to the facility; and

17 (b) Not sell or transfer the prospective resident's or prospective resident's representative's
18 contact information to a third party without the written consent of the prospective resident or
19 representative of the prospective resident.

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

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

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.