

FIRST REGULAR SESSION

HOUSE BILL NO. 390

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AMATO.

0278H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 198, RSMo, by adding thereto one new section relating to referrals to long-term care facilities, with penalty provisions.

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

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

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

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

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.

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

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

22 **(a) The right of the prospective resident or representative of the prospective**
23 **resident to 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**
25 **agreement to all long-term care facilities to which the prospective resident has been**
26 **referred;**

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

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

32 **3. (1) The referral agency and the prospective resident or representative of the**
33 **prospective resident shall sign and date, in writing or electronically, the agreement**
34 **required in subsection 2 of this section. The referral agency shall provide a written or**
35 **electronic copy of the signed agreement to the long-term care facility on or before the**
36 **date the resident is admitted to the long-term care facility.**

37 **(2) The long-term care facility shall:**

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

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

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

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

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