

HCS HB 390 -- LONG-TERM CARE FACILITIES

SPONSOR: Amato

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health by a vote of 13 to 0.

The following is a summary of the House Committee Substitute for HB 390.

This bill requires referral agencies, individuals or entities that provide referrals to facilities for fees that are collected from either the prospective resident or the facility, to disclose to prospective residents or their representative:

- (1) Written or electronic documentation of the existence of any relationships between the referral agency and the facility, as specified in the bill;
- (2) That the referral agency receives a fee from the facility for the referral; and
- (3) Written documentation of the agreement between the referral agency and the prospective resident or representative thereof, with requirements to be included for the agreement that are specified in the bill.

The facility is:

- (1) Prohibited from paying fees to the referral agency unless certain conditions are met, as specified in the bill;
- (2) Required to maintain a written or electronic copy of the aforementioned agreement between the referral agency and the prospective resident or resident's representative; and
- (3) Prohibited from selling or transferring contact information of the prospective resident or the resident's representative to a third party without obtaining written consent of the resident or representative.

Any referral agency that violates this section is subject to a civil penalty of up to \$500 per violation, and the Attorney General or a circuit attorney can bring a civil action on behalf of the State to seek the imposition of a civil penalty for the violation of the provisions of this bill.

This bill is similar to HCS HB 1733 (2024).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that it is important to reduce the risk for exploitation of elderly persons, who may not know they are signing up for a contract with a facility that may or may not have poor standards or other deficiencies. This is a basic step to improve transparency.

Testifying in person for the bill were Representative Amato; Jorgen Schlemeier, Missouri Assisted Living Association; Jeff Balleau, Transitions For Senior Living; Arnie Dienoff; Missouri Health Care Association.

OPPONENTS: Those who oppose the bill say that these agencies provide caregivers and aging adults with information, resources, and referrals to facilities that are based on the needs of the person and his or her budget. These agencies offer information including, but not limited to, the costs, the types of care, whether benefits for persons such as veterans exist, and reviews. None of the information provided, or any other part of their websites, requires the signing of a contract.

Testifying in person against the bill were Beverly Grossman, A Place For Mom; and Caring.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.