

HCS HB 2463 -- FACILITIES THAT OFFER CARE OR SERVICES TO RESIDENTS

SPONSOR: Amato

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health by a vote of 14 to 0. Motion to "Do Pass" failed by the Standing Committee on Rules-Administrative by a vote of 3 to 6 with 2 members voting present.

The following is a summary of the House Committee Substitute for HB 2463.

This bill requires referral agencies 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 any agreement, or acknowledgment or consent for services between the referral agency and the facility, as specified in the bill;
- (2) Written or electronic disclosure of any relationship between the referral agency and the facility, as well as any fee that the referral agency receives from the facility and a detailed description of services provided by the agency in exchange for the fee; and
- (3) The rights of the prospective resident, including to terminate the referral agency's services, to request not to be contacted in the future by the referral agency, to receive the referral agency's privacy policy, and to be informed of the referral agency's possible distribution of the resident's information to other entities.

The facility is:

- (1) Required to pay the referral agency any fees earned when certain conditions are met, regardless of the prospective resident's or resident's legal representative's termination of the agreement for services between the referral agency and the resident; and
- (2) 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 390 (2025).

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

**PROPOSERS:** Supporters say that information and data are collected in a questionable manner and the family seeking services then becomes part of the marketing scheme. Placement services should be transparent about how they get paid and by whom or what entity, and no information should be held captive by the referral agency.

Testifying in person for the bill were Representative Amato; Erin Dwyer, Senior Care Authority; Jeff Balleau, Transitions For Senior Living; Mo Health Care Assn.; Arnie C. Dienoff; and Missouri Assisted Living Association.

**OPPONENTS:** Those who oppose the bill say that referral fees generate revenue compared to many of the services offered by referral agencies that do not generate revenue. It is unfair and an undue burden to make people know about legal relationships, contractual agreements, and representations. Putting families and seniors in the middle of complex contracts is unnecessary when the main goal is to get them the care they require. Families making care decisions deserve clarity.

Testifying in person against the bill were Anthony Dey, A Place For Mom, Inc.; and Tabitha Knoll, Oasis Senior Advisors Kansas City.

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.