

SECOND REGULAR SESSION

SENATE BILL NO. 1515

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

6507S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 198, RSMo, by adding thereto one new section relating to referrals to facilities that offer care or services to residents, 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
2 one new section, to be known as section 198.700, to read as
3 follows:

198.700. 1. As used in this section, the following

2 **terms mean:**

3 (1) **"Facility"**, an independent living facility or a
4 long-term care facility;

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

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

13 (4) **"Referral agency"**, an individual or entity that
14 provides referrals to a facility for a fee that is collected
15 from the facility or for a fee that is collected from a
16 prospective resident or the legal representative of a
17 prospective resident. The term "referral agency" shall not

18 include a facility or its employees, a family member of a
19 resident of a facility, or a resident of a facility
20 regardless of whether the resident who refers a prospective
21 resident to a facility receives a discount or other
22 remuneration from the facility.

23 2. A referral agency shall provide to a prospective
24 resident or the legal representative of the prospective
25 resident referred to a facility:

26 (1) Written or electronic documentation of any
27 agreement, including any agreement to terms and conditions,
28 or acknowledgment or consent for services between the
29 referral agency and the prospective resident or legal
30 representative of the prospective resident; and

31 (2) Written or electronic disclosure of:

32 (a) Any existing relationship between the referral
33 agency and the facility, including common ownership or
34 control of the facility and financial, business, management,
35 or familial relationships between the referral agency and
36 the facility;

37 (b) Any fee that the referral agency receives from the
38 facility for the referral and a detailed description of the
39 services provided by the referral agency in exchange for the
40 fee paid by the facility;

41 (c) The right of the prospective resident or legal
42 representative of the prospective resident to terminate the
43 referral agency's services for any reason at any time
44 without a fee or other penalty for such termination and with
45 notice of the termination provided by the referral agency to
46 all facilities to which the prospective resident has been
47 referred;

48 (d) The right of the prospective resident or legal
49 representative of the prospective resident to request not to

50 be contacted in the future by the referral agency or any
51 entity to which the referral agency has distributed the
52 prospective resident's information;

53 (e) The right of the prospective resident or legal
54 representative of the prospective resident to receive the
55 referral agency's privacy policy upon request to the
56 referral agency; and

57 (f) The referral agency's possible distribution of the
58 prospective resident's information to other entities that
59 may call and solicit the prospective resident to purchase
60 goods and services.

61 3. The referral agency and the prospective resident or
62 legal representative of the prospective resident shall sign
63 and date, in writing or electronically, the disclosure
64 required in subdivision (2) of subsection 2 of this
65 section. The referral agency shall provide a written or
66 electronic copy of the signed disclosure to the facility on
67 or before the date the resident becomes an occupant of or is
68 admitted to the facility.

69 4. No referral agency shall charge a fee or other
70 penalty to any facility resulting from the termination of an
71 agreement by a prospective resident or legal representative
72 of a prospective resident.

73 5. The facility shall:

74 (1) Not pay the referral agency a fee until such
75 facility receives the written or electronic disclosure
76 required in subdivision (2) of subsection 2 of this section
77 and the resident becomes an occupant of or is admitted to
78 the facility;

79 (2) Not pay the referral agency a fee after the date
80 on which the agreement between the referral agency and the

81 prospective resident or legal representative of the
82 prospective resident is terminated; and

83 (3) Not sell or transfer the prospective resident's or
84 prospective resident's legal representative's contact
85 information to a third party without the written consent of
86 the prospective resident or legal representative of the
87 prospective resident.

88 6. A referral agency that violates this section is
89 subject to a civil penalty of up to five hundred dollars per
90 violation.

91 7. The attorney general or a prosecuting or circuit
92 attorney may bring a civil action on behalf of the state to
93 seek the imposition of a civil penalty for a violation of
94 this section or to enjoin the continuance of the violation
95 by the referral agency.

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