

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4410

By: Blancett

6 AS INTRODUCED

7 An Act relating to long-term care referral fees;  
8 amending Section 2, Chapter 58, O.S.L. 2024 (63 O.S.  
9 Supp. 2025, Section 1-866.2) which relates to  
10 referral agency referrals; modifying disclosure  
11 requirements from referral agencies; amending Section  
12 3, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025,  
13 Section 1-866.3), which relates to referral agency  
14 restrictions; adding a restriction; amending Section  
15 4, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025,  
16 Section 1-866.4) which relates to referral agency  
17 requirements; modifying the duties for referral  
18 agencies; amending Section 5, Chapter 58, O.S.L. 2024  
19 (63 O.S. Supp. 2025, Section 1-866.5), which relates  
20 to compensation for referral agency; modifying  
21 compensation for referral agency; and providing an  
22 effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY Section 2, Chapter 58, O.S.L. 2024

(63 O.S. Supp. 2025, Section 1-866.2), is amended to read as  
follows:

25 Section 1-866.2. A. ~~At the time of the referral, a referral~~  
26 ~~agency shall disclose the following to the consumer Before providing~~  
27 ~~a referral, a referral agent shall provide the consumer with a~~  
28 ~~disclosure statement. The disclosure statement may be made orally~~

1 with the consent of the consumer and thereafter provide the client  
2 with a written disclosure. The written disclosure shall be  
3 conspicuous, provided in clear language, and a minimum of 14-point  
4 font and include the following statements that the consumer  
5 acknowledges individually that they understand and agree:

6 1. A description of the referral agency's service including  
7 details on the procedure in which they refer the consumer to an  
8 assisted living center or continuum of care facility;

9 2. A statement on whether the consumer or the assisted living  
10 center or continuum of care facility to which the consumer is  
11 referred is responsible for paying the referral fee, including the  
12 amount of the fee that will be paid for the referral; and

13 3. A statement that the consumer may, without cause or penalty,  
14 stop using the referral agency. The termination of all services  
15 shall include the use of the consumer's personal information. The  
16 statement shall include how the consumer notifies the referral  
17 company of such. The referral agency shall communicate this  
18 decision by the consumer to all assisted living centers or continuum  
19 of care facilities to which the consumer has been referred upon  
20 being notified by the consumer that they plan to stop using the  
21 referral agency. ~~Notification by a consumer shall not affect the~~  
22 ~~contractual agreement between the referral agency and the assisted~~  
23 ~~living center or continuum of care facilities.;~~

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1       4. The referral agent's contact information, including address  
2       and phone number;  
3       5. The referral agent's privacy policy; and  
4       6. A statement of whether the referral agent provides referrals  
5       only to facilities with which the agent has an existing contract.

6       B. The referral agency shall make the disclosure statement  
7       available to a consumer in a clear and conspicuous written physical  
8       or electronic document.

9       C. The referral agency shall take into account the consumers'  
10       preferences in selecting the assisted living center or continuum of  
11       care facility to which it refers the consumer and cost shall not be  
12       used as the sole factor in that selection.

13       D. An assisted living center or continuum of care facility  
14       shall not be required to contract with or do business with a  
15       referral agency.

16       SECTION 2.       AMENDATORY       Section 3, Chapter 58, O.S.L. 2024

17       (63 O.S. Supp. 2025, Section 1-866.3), is amended to read as  
18       follows:

19       Section 1-866.3. A referral agency shall not:

20       1. Refer a consumer to an assisted living center or continuum  
21       of care facility in which the referral agency has an ownership,  
22       management, or financial interest excluding a de minimis interest,  
23       such as a direct or indirect ownership of less than one percent (1%)  
24       of an assisted living center or continuum of care facility;

1       2. Hold a power of attorney or hold property in any capacity  
2 for a consumer or for whom a referral is made;

3       3. Refer a consumer to an assisted living center or continuum  
4 of care facility that, to the referral agency's knowledge, is  
5 unlicensed and is not exempt from licensing under applicable law;

6       4. Collect a fee for a consumer transferring from one location  
7 of an assisted living center or continuum of care facility to  
8 another location of the same assisted living center or continuum of  
9 care facility unless the consumer has engaged the referral agency to  
10 help facilitate the transfer to a new location and the consumer has  
11 been provided with more than one referral; or

12       5. Collect a fee for a referral after the expiration of the  
13 referral according to the contract between the referral agency and  
14 the assisted living center or continuum of care facility;

15       6. Charge a facility for a placement after more than twelve  
16 (12) months has lapsed in documented counseling with the Consumer.  
17 The referral agency shall obtain a new contract with the consumer  
18 after twelve (12) months.

19       SECTION 3.       AMENDATORY       Section 4, Chapter 58, O.S.L. 2024  
20 (63 O.S. Supp. 2025, Section 1-866.4), is amended to read as  
21 follows:

22       Section 1-866.4. A referral agency shall:

23       1. Use a nationally accredited service provider to obtain  
24 criminal history record information upon hire, on a referral agency

1 employee who has direct contact with a consumer; provided, however,  
2 that a referral agency employee who physically enters an assisted  
3 living center or continuum of care facility with the purpose of  
4 making a referral on behalf of a consumer, shall obtain a criminal  
5 background check, in accordance with paragraph 1 of subsection I of  
6 Section 1-1947 of Title 63 of the Oklahoma Statutes;

7       2. Maintain liability insurance coverage for negligent acts or  
8 omissions by the referral agency or its employees;

9       3. Audit each assisted living center or continuum of care  
10 facility to which the referral agency provides referrals to ensure  
11 that any applicable license is in good standing and maintain a  
12 record of that audit;

13       4. Provide all referral agency employees whose job  
14 responsibilities require direct contact with a consumer with  
15 introductory training, including training on the referral agency's  
16 code of conduct, before the employee begins performing those  
17 responsibilities;

18       5. Provide an assisted living center or continuum of care  
19 facility with the time and date on which any referral has been made  
20 to the assisted living center or continuum of care facility in a  
21 clear and conspicuous written physical or electronic document on or  
22 before the date the consumer is admitted; ~~and~~

23       6. After November 1, ~~2024~~ 2026, provide any new written  
24 contract with an assisted living center or continuum of care

1 facility for which it is making referrals the length of time that a  
2 referral agency shall be paid from the date that the referral was  
3 made to the assisted living center or continuum of care facility not  
4 to exceed ~~thirty-six (36)~~ twelve (12) months; and

5 7. Establish a policy to protect the personal information of a  
6 consumer and post the policy on an internet website maintained by  
7 the referral agency. The posting shall be in clear language, and a  
8 minimum of 14-point font, and available for all consumers to access  
9 without having to go to an alternate site.

10 SECTION 4. AMENDATORY Section 5, Chapter 58, O.S.L. 2024  
11 (63 O.S. Supp. 2025, Section 1-866.5), is amended to read as  
12 follows:

13 Section 1-866.5. A. A written contract entered into between a  
14 referral agency and an assisted living center or continuum of care  
15 facility may provide for the compensation of a referral agency for  
16 all referrals made to an assisted living center or continuum of care  
17 facility; such compensation may include, ~~without limitation, amounts~~  
18 ~~based on volume or value of referrals or business otherwise~~  
19 ~~generated between the parties.:~~

20 1. The amount of a fixed referral fee that the assisted living  
21 or continuum of care facility will pay to the referral agency in  
22 connection with the referral upon move-in of the referral that lives  
23 in the community for over ninety (90) days; or

1       2. The amount equal to the first month's rent for a referral  
2       fee that the assisted living or continuum of care facility will pay  
3       in connection with the referral upon move-in of the referral that  
4       lives in the community for over ninety (90) days.

5           B. Compensation paid to a referral agency that complies with  
6       the requirements set forth in this section will not be grounds for  
7       disciplinary action against a long-term care administrator pursuant  
8       to OAC 310:679-10-20 or any other rule or statute regulating long-  
9       term care administrators.

10          C. If a consumer is referred to a facility and the referral  
11       agent has received compensation from the facility for the referral,  
12       the client may notify the referral agent in writing that the  
13       consumer wishes to use the services of another referral agent in the  
14       future for referral to another facility in a subsequent move. After  
15       receiving notice under this subsection, the first referral agent may  
16       not receive compensation from another facility in a subsequent move  
17       for any referral made before receiving the notice.

18          D. If a consumer unknowingly uses two (2) or more referral  
19       agencies, the consumer has the right to choose which referral agency  
20       provided the required services and therefore should receive the  
21       referral fee.

22          E. An assisted living or continuum of care community shall not  
23       pay the referral fee until after they have received a copy of the

1 consumer's disclosure statement where they acknowledged the required  
2 items from section 1-866.2 in this title.

3 SECTION 5. This act shall become effective November 1, 2026.

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