

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 4410

By: Blancett

AS INTRODUCED

An Act relating to long-term care referral fees; amending Section 2, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025, Section 1-866.2) which relates to referral agency referrals; modifying disclosure requirements from referral agencies; amending Section 3, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025, Section 1-866.3), which relates to referral agency restrictions; adding a restriction; amending Section 4, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025, Section 1-866.4) which relates to referral agency requirements; modifying the duties for referral agencies; amending Section 5, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025, Section 1-866.5), which relates to compensation for referral agency; modifying compensation for referral agency; and providing an effective date.

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

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:

Section 1-866.2. A. ~~At the time of the referral, a referral agency shall disclose the following to the consumer~~ Before providing a referral, a referral agent shall provide the consumer with a 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;

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

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

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

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

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

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

Section 1-866.4. A referral agency shall:

1. Use a nationally accredited service provider to obtain 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
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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
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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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