

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4410 _____
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Meloyde Blancett _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4410

By: Blancett

7
8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to long-term care referral fees;
10 amending Section 2, Chapter 58, O.S.L. 2024 (63 O.S.
11 Supp. 2025, Section 1-866.2) which relates to
12 referral agency referrals; modifying disclosure
13 requirements from referral agencies; amending Section
14 3, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025,
15 Section 1-866.3), which relates to referral agency
16 restrictions; adding a restriction; amending Section
17 4, Chapter 58, O.S.L. 2024 (63 O.S. Supp. 2025,
18 Section 1-866.4) which relates to referral agency
19 requirements; modifying the duties for referral
20 agencies; amending Section 5, Chapter 58, O.S.L. 2024
21 (63 O.S. Supp. 2025, Section 1-866.5), which relates
22 to compensation for referral agency; modifying
23 compensation for referral agency; and providing an
24 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

1 a referral, a referral agent shall provide the consumer with a
2 disclosure statement. The disclosure statement may be made orally
3 with the consent of the consumer and thereafter provide the client
4 with a written disclosure. The written disclosure shall be provided
5 to the consumer in a paper format that they can easily print. The
6 written disclosure shall be conspicuous, provided in clear language,
7 and a minimum of 14-point font and include the following statements
8 that the consumer acknowledges individually that they have read,
9 understand, and agree to the terms:

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

13 2. A statement ~~on whether~~ detailing the consumer or referral
14 fee that will be charged to the assisted living center or continuum
15 of care facility to which the consumer is referred is responsible
16 for paying the referral fee, including how the amount of the
17 referral fee is calculated; and

18 3. A statement that the consumer may, without cause or penalty,
19 stop using the referral agency at any time. The termination of all
20 services shall include the use of the consumer's personal
21 information. The statement shall include how the consumer shall
22 notify the referral company of such choice. The referral agency
23 shall communicate this decision by the consumer to all assisted
24 living centers or continuum of care facilities to which the consumer

1 has been referred upon being notified by the consumer that they plan
2 to stop using the referral agency. ~~Notification by a consumer shall~~
3 ~~not affect the contractual agreement between the referral agency and~~
4 ~~the assisted living center or continuum of care facilities.;~~

5 4. The referral agent's contact information, including address
6 and phone number;

7 5. The referral agent's privacy policy shall be provided in
8 clear language, and a minimum of a 14-point font;

9 6. A statement of whether the referral agent provides referrals
10 only to facilities with which the agent has an existing agreement;
11 and

12 7. A statement that says the consumer understands and agrees
13 that they are now allowing the referral company to make referrals to
14 facilities they have an agreement with on their behalf. They have
15 the right to cancel at any time.

16 B. The referral agency shall make the disclosure statement
17 available to a consumer in a clear and conspicuous written physical
18 or electronic document.

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

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1 D. An assisted living center or continuum of care facility
2 shall not be required to contract with or do business with a
3 referral agency.

4 SECTION 2. AMENDATORY Section 3, Chapter 58, O.S.L. 2024
5 (63 O.S. Supp. 2025, Section 1-866.3), is amended to read as
6 follows:

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

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

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

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

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

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

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

9 SECTION 3. AMENDATORY Section 4, Chapter 58, O.S.L. 2024
10 (63 O.S. Supp. 2025, Section 1-866.4), is amended to read as
11 follows:

12 Section 1-866.4. A referral agency shall:

13 1. Use a nationally accredited service provider to obtain
14 criminal history record information upon hire, on a referral agency
15 employee who has direct contact with a consumer; provided, however,
16 that a referral agency employee who physically enters an assisted
17 living center or continuum of care facility with the purpose of
18 making a referral on behalf of a consumer, shall obtain a criminal
19 background check, in accordance with paragraph 1 of subsection I of
20 Section 1-1947 of ~~Title 63 of the Oklahoma Statutes~~ this title;

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

23 3. Audit each assisted living center or continuum of care
24 facility to which the referral agency provides referrals to ensure

1 that any applicable license is in good standing and maintain a
2 record of that audit;

3 4. Provide all referral agency employees whose job
4 responsibilities require direct contact with a consumer with
5 introductory training, including training on the referral agency's
6 code of conduct, before the employee begins performing those
7 responsibilities;

8 5. Provide an assisted living center or continuum of care
9 facility with the time and date on which any referral has been made
10 to the assisted living center or continuum of care facility in a
11 clear and conspicuous written physical or electronic document on or
12 before the date the consumer is admitted; ~~and~~

13 6. After November 1, ~~2024~~ 2026, provide any new written
14 ~~contract~~ agreement with an assisted living center or continuum of
15 care facility for which it is making referrals the length of time
16 that a referral agency shall be paid from the date that the referral
17 was made to the assisted living center or continuum of care facility
18 not to exceed ~~thirty-six (36)~~ twelve (12) months; and

19 7. Establish a privacy policy to protect the personal
20 information of a consumer and post the policy on an Internet website
21 maintained by the referral agency. The posting shall be in clear
22 language, and a minimum of 14-point font, and available for all
23 consumers to access without having to go to an alternate site.

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1 SECTION 4. AMENDATORY Section 5, Chapter 58, O.S.L. 2024

2 (63 O.S. Supp. 2025, Section 1-866.5), is amended to read as

3 follows:

4 Section 1-866.5. A. ~~A written contract~~ An agreement entered
5 into between a referral agency and an assisted living center or
6 continuum of care facility ~~may provide~~ shall allow both parties to
7 negotiate the terms for the compensation of a referral agency for
8 all referrals made to an assisted living center or continuum of care
9 facility; ~~such compensation may include, without limitation, amounts~~
10 ~~based on volume or value of referrals or business otherwise~~
11 ~~generated between the parties.~~

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

17 C. If a consumer is referred to a facility and the referral
18 agent has received compensation from the facility for the referral,
19 the consumer may notify the referral agent in writing that the
20 consumer wishes to use the services of another referral agent in the
21 future for referral to another facility in a subsequent move. After
22 receiving notice under this subsection, the first referral agent may
23 not receive compensation from another facility in a subsequent move
24 for any referral made before receiving the notice.

1 D. If a consumer uses two or more referral agencies, the
2 consumer has the right to choose which referral agency provided the
3 required services and therefore should receive the referral fee.

4 E. An assisted living or continuum of care community shall not
5 pay the referral fee until after they have received a copy of the
6 consumer's disclosure statement where they acknowledged the required
7 items from section 1-866.2 in this title.

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

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