

BILL SUMMARY
2nd Session of the 60th Legislature

Bill No.:	HB4410
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Author:	Rep. Blancett
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Research Analysis

HB 4410, as introduced, provides that prior to providing a long-term care referral, a referral agent must provide the consumer with a disclosure statement. The changes to the disclosure statement are as follows:

- The disclosure statement must include details on the procedure in which referral agencies refer the consumer to an assisted living center or continuum of care facility;
- The disclosure statement must include the amount for the referral fee;
- The disclosure statement must include a statement clarifying that termination of all agency services will include the use of the consumer's personal information and the statement must include information on how the consumer notifies the referral company of termination;
- Removes the provision that notification by a consumer of cancellation will not affect the contractual agreement between the referral agency and the facilities;
- The disclosure statement will include the referral agent's contact information and their privacy policy; and
- The disclosure information will include a statement of whether the referral agency provides referrals only to facilities with existing contracts with them.

The measure also provides that a referral agency cannot charge a facility for a placement after more than 12 months has lapsed in documented counseling with the consumer. After 12 months, the referral agency must obtain a new contract with the consumer. The measure also provides that after Nov. 1, 2026, a referral agency must provide any new written contract with a facility it is making referrals the length of time that the agency should be paid from the date the referral was made not to exceed 12 months, down from 36 months. A referral agency is also required to establish a policy to protect a consumer's personal information, clearly posting it online for all consumers to access. Additionally, the measure provides that compensation of a referral agency for all referrals made may include the amount of a fixed referral fee upon move-in of a referral that lives in the community for over 90 days and the amount equal to the first month's rent for a referral fee upon move-in of the referral that lives there for over 90 days. If a consumer is referred to a facility and the agency has received compensation, the client may notify the referral agent in writing that the consumer wishes to use the services of another referral agency in the future in a subsequent move. The first referral agency may not receive compensation from another facility in a subsequent move for any referral made before receiving notice. Additionally, if a consumer unknowingly uses two or more referral agencies, they have the right to choose which agency provided the required services and should receive the fee. A facility must not pay the referral fee until after they have received a consumer's disclosure statement.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

HB 4410 updates statutory requirements for long-term care referral agencies, including additional consumer disclosures, new restrictions and duties, and revised compensation guidelines. The proposed changes for long-term care referral agencies are not expected to have a direct impact on the state budget.

Prepared By: Alexandra Ladner, House Fiscal Staff

Other Considerations

None.

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