

Senate Bill 624 (MD)

Referral Agency Facts – National senior living referral agencies such as A Place for Mom (“APFM”) and Caring.com (“Caring”):

- Provide all of their services free to seniors and their families who are looking for a senior housing solution and rely on expert information to find the best solution for their needs as soon as possible.
- Invest significant resources to build websites with extensive information to help families learn about their senior care options.
- Are non-exclusive so seniors and their families looking for a community may engage multiple referral agencies and choose any option – or none at all.
- Solicit and manage a network of assisted living communities to help find the best place for the senior based on a number of factors. A referral agency is not paid by an assisted living community until a senior moves in to a referred community.
- Employ local advisors based in Maryland (although we are both nationwide companies).
- Refer a senior to an average of four (4) communities and do not share any of a senior’s information with an assisted living community until we consult with the family and obtain explicit consent to share their information.

SB 624 Summary of Issues – This bill seeks to place administrative burdens which disparately impact national referral agencies as compared with local referral agencies through the requirements of obtaining written, signed contracts with seniors. The bill opens the door for local agencies to unjustly enrich themselves by getting a senior to cancel their relationship with a national agency to obtain the benefit of a commission from an assisted living community even though the national referral agency expended significant time engaging with the senior and their family to find a community where the senior is most likely to thrive.

The bill also requires referral agencies to sign a “federal HIPAA agreement”, the obligation of which is unclear but appears to stand to mean a Business Associate Agreement. Referral agencies do not fall within the legal definition of a covered entity, thus creating a regulatory slippery slope.

Accordingly, this bill is a solution in search of a problem that does not exist. Neither APFM nor Caring have received complaints from seniors or their families regarding fees; thus, there is no evidence of harm to seniors that would merit the promulgation of this bill to correct. SB 966 was enacted in 2020 to protect seniors. We did not object to that bill and have complied with its requirements. Thus, it is unclear why this bill is needed and smacks of being motivated by local agencies desire to push national agencies out of the market, which only stands to harm consumers by reducing their choices and resources.

Effect of Bill:

- Interferes with our contractual right with the communities to be paid a referral fee.
- Discourages us from helping families in Maryland.
- If a senior moves into a community we referred to, then we referred them to an appropriate choice, but would not be compensated for that placement.

For more information, please contact Frank Boston (410-323-7090).

- In the event a local agency does a better job and places a senior in a community we did not refer them to, then they should be entitled to receive that referral fee, but that is what happens without this bill.

Other Provisions of Existing Law Already in Our Current Practices:

- Audit of licensing status of Maryland assisted living facilities.
- Background checks conducted on employees.
- Conflict of interest checks with assisted living facilities.
- Disclosure that referral services are free to the families because we are paid by the communities in our referral network.

Problematic Provisions in Bill:

- Requires a written and signed agreement between the referral agency and consumer, which would further delay the senior living search at a time of urgent need and further adds unnecessary administrative burden on the consumer.
- Requires referral agencies and communities to sign a “federal HIPAA agreement,” which is confusing and unclear as to what this document would be.
- Unnecessarily imposes a heightened data privacy requirement on the transfer of information by referral agencies.

About A Place for Mom and Caring.com

We are two national referral service companies that provide senior living referral services in the State of Maryland.

Senior living referral agencies take the guess work out of choosing a community for an aging parent or loved one by vetting assisted living communities, including running compliance checks to ensure proper licensing and credentialing. Our services save families time and reduce their stress by working with the family to determine a senior’s individual needs, location requirements, budget, and referring them to senior living communities that are best suited to their unique, individual circumstances. Our agencies follow-up with the family and the communities to ensure a smooth process.

APFM and Caring are committed to providing Maryland seniors and their families the critical assistance they need in finding the right assisted living community, often during a time of crisis, based on their unique needs and budget. Both agencies provide comprehensive online directories of local communities, consumer reviews, and other authoritative information to guide and support the stressful decision-making process. These time-intensive and valuable services are provided FREE OF CHARGE to seniors and their families.