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1 **HOUSE BILL NO. 297**

2 Offered January 14, 2026

3 Prefiled January 9, 2026

4 A BILL to amend and reenact § 63.2-1803.1 of the Code of Virginia and to amend the Code of Virginia by  
5 adding in Chapter 18 of Title 63.2 an article numbered 1.1, consisting of sections numbered 63.2-1808.2  
6 through 63.2-1808.6, relating to assisted living facilities; resident referral agencies; required disclosures;  
7 referral fee limitations; civil penalty.

8 Patron—Seibold

9 Committee Referral Pending

10 **Be it enacted by the General Assembly of Virginia:**11 **1. That § 63.2-1803.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is  
12 amended by adding in Chapter 18 of Title 63.2 an article numbered 1.1, consisting of sections  
13 numbered 63.2-1808.2 through 63.2-1808.6, as follows:**14 **§ 63.2-1803.1. Assisted Living Facility Education, Training, and Technical Assistance Fund  
15 established.**16 There is hereby created in the state treasury a special nonreverting fund to be known as the Assisted  
17 Living Facility Education, Training, and Technical Assistance Fund, hereafter referred to as "the Fund." The  
18 Fund shall be established on the books of the Comptroller. All penalties directed to this fund by subdivision B  
19 4 of § 63.2-1709.2, § 63.2-1808.6, and all other funds from any public or private source directed to the Fund  
20 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall  
21 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the  
22 end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund  
23 shall be used solely for the purpose of providing education and training for staff of and technical assistance to  
24 assisted living facilities to improve the quality of care in such facilities. Expenditures and disbursements from  
25 the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request  
26 signed by the Commissioner.

## 26 Article 1.1.

## 27 Resident Referral Agencies.

28 **§ 63.2-1808.2. Definitions.**

29 As used in this article, unless the context requires a different meaning:

30 "Referral fee" means any compensation, whether monetary or in-kind, received by a resident referral  
31 agency in exchange for referring a resident who moves into an assisted living facility as a direct result of the  
32 referral provided.33 "Resident" means an individual who is considering moving into an assisted living facility or the  
34 individual's legal representative.35 "Resident referral agency" means any individual or entity that receives compensation from an assisted  
36 living facility for providing resident referrals to an assisted living facility.37 **§ 63.2-1808.3. Resident referral agencies.**38 A. An assisted living facility is not obligated to participate with any resident referral agency. If an  
39 assisted living facility chooses to participate with a resident referral agency, the assisted living facility shall  
40 retain the right to negotiate the terms of the referral, including the referral fee and the payment schedule of  
41 the referral fee, which may be in installments based on the resident continuing to reside at the assisted living  
42 facility for a minimum length of stay as outlined in the referral agreement.43 B. Contact and information requests made of the resident referral agency by family members, friends, and  
44 other contacts of the prospective resident shall not be considered an agreement for services by the resident.  
45 For a referral agreement to be valid, the resident shall opt in to using the resident referral agency after  
46 reviewing the full disclosure of the terms of the referral. The resident is not obligated to participate with a  
47 resident referral agency and may opt out at any time in writing with an understanding that no referral fee  
48 will be paid should the resident opt out prior to moving into the referred assisted living facility. Should a  
49 resident or his representative opt out of the referral agreement, the resident referral agency shall notify all  
50 assisted living facilities with which they have engaged regarding the prospective resident. The resident  
51 retains the right to communicate directly with the assisted living facility as opposed to through the resident  
52 referral agency.53 C. A resident referral agency shall provide, at a minimum, the following services before becoming eligible  
54 to receive a referral fee: (i) conducting an in-person, virtual, or telephone consultation with the resident to  
55 assess the needs and preferences of the resident; (ii) providing a minimum of three recommendations for

INTRODUCED

HB297

59 assisted living facilities that align with the resident's needs and preferences; and (iii) assisting in scheduling  
60 and coordinating tours of the referred assisted living facilities.

61 D. The resident referral agency shall share all contact information of the prospective resident with the  
62 assisted living facility. The resident referral agency shall demonstrate evidence that it has engaged with the  
63 prospective resident in the last 12 months prior to a move into the recommended assisted living facility to  
64 receive the referral fee.

65 E. The resident referral agency shall not use photographs of an assisted living facility on any of their  
66 marketing materials, webpages, or social media without written permission from the assisted living facility.

67 **§ 63.2-1808.4. Resident referral agencies; required disclosures.**

68 A. Resident referral agencies shall disclose the following information to residents:

69 1. Documentation of the existence of any relationships between the resident referral agency and any  
70 assisted living facility, including common ownership or control of the assisted living facility, and financial,  
71 business, management, or familial relationships between the resident referral agency and the assisted living  
72 facility;

73 2. The nature of the compensation arrangement between the resident referral agency and any  
74 recommended assisted living facility, specifically listing any fees to be paid to the resident referral agency as  
75 a result of its referral;

76 3. The limitations on referral fees pursuant to § 63.2-1808.5;

77 4. A statement clarifying that assisted living facilities may also be identified through noncommercial  
78 sources, such as the Department, nonprofit organizations, and public internet searches;

79 5. A statement that not all licensed assisted living facilities may be included in the list of recommendations  
80 provided by the resident referral agency; and

81 6. A detailed listing of the services to be provided to the resident by the resident referral agency.

82 B. Such disclosure shall be made in writing before the referral process begins and shall be signed by the  
83 resident. The resident referral agency shall provide a written or electronic copy of the signed disclosure to  
84 the resident and to the assisted living facility on or before the date a resident is to be admitted to the assisted  
85 living facility. An assisted living facility shall not pay the referral fee until such disclosure has been provided.

86 **§ 63.2-1808.5. Resident referral agencies; referral fee limitations.**

87 A. A resident referral agency shall only be permitted to collect one referral fee per individual resident. If  
88 a resident relocates to a different assisted living facility after having previously been referred to such assisted  
89 living facility, the resident referral agency shall not be entitled to an additional referral fee for the same  
90 resident.

91 B. A resident referral agency may not receive a referral fee for any resident for whom it is an agent under  
92 power of attorney.

93 C. An assisted living facility shall not be required to pay multiple referral fees for a single resident based  
94 on prior referrals.

95 D. If a resident initiated the services of multiple resident referral agencies that attempt to collect a  
96 referral fee from an assisted living facility, the resident shall be required to disclose which resident referral  
97 agency provided the most assistance, and only the identified resident referral agency shall be entitled to the  
98 referral fee.

99 E. A resident referral agency may only claim a referral fee if the resident moves into an assisted living  
100 facility within 24 months of referral to such assisted living facility.

101 F. A resident referral agency shall not maintain or utilize a resident's personal information for referral  
102 compensation purposes beyond a period of 24 months from receipt of the signed disclosure agreement by the  
103 resident. If no referral fee is claimed within such 24-month period, the resident referral agency shall destroy  
104 information retained about the resident. Nothing in this section shall prohibit a resident from reinitiating the  
105 services of a resident referral agency after such 24-month period.

106 G. The resident shall reside at the assisted living facility for a minimum of 30 days before payment of the  
107 referral fee is due.

108 H. The resident referral agency shall not receive more than a total of 35% of the total cost of a resident  
109 receiving respite services from the assisted living facility.

110 **§ 63.2-1808.6. Enforcement; civil penalty.**

111 The Attorney General shall oversee compliance with the requirements set forth in this article. Any person  
112 who fails to comply with this article is subject to a civil penalty not to exceed \$10,000 per violation. Such  
113 penalty shall be collected by the Attorney General and the proceeds shall be deposited into the Assisted  
114 Living Facility Education, Training, and Technical Assistance Fund established pursuant to § 63.2-1803.1.