



**CALIFORNIA ADVOCATES FOR NURSING HOME  
REFORM**

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March 2, 2022

**RE: AB 499 – Referral source for residential care facilities for the elderly  
(Oppose)**

Dear Senator:

On behalf of California Advocates for Nursing Home Reform (CANHR), I am writing to express our continuing opposition to AB 499 (B. Rubio).

AB 499 seeks to amend California law governing referral agencies for assisted living facilities (known in California as Residential Care Facilities for the Elderly or RCFEs) to provide some limited accountability, but instead weakens some current standards of responsibility and creates new barriers to communication.

The most significant change, even after amendment in the last session of the Assembly, is that, instead of directing that paid referral agencies shall not place vulnerable seniors in facilities that are unlicensed or unable to provide the care the resident will require, or face misdemeanor charges, the proposed statute now states that the paid referral is only subject to penalty if the agency “*knew or should have known*” that the facility is unlicensed or unable to provide needed care. Only by clearly stating that agencies will face penalties if they make such referrals will the agencies have an incentive to make certain that the referrals are to licensed and appropriate facilities that are able to provide the care each individual requires.

A Place for Mom, the sponsors of AB 499, is a national multi-million dollar for-profit corporation, whose history of aggressive search engine and media marketing has frozen out local referral agencies, which tend to have greater familiarity and to conduct on-site visits to the communities to which they refer.

The proposed statute also unnecessarily complicates the communication between the paid referral agency and seniors by allowing the agency to provide information about services and fees verbally, but requiring seniors to submit a written request to prevent the disclosure of personal information or request that no additional referrals be made. All information about services and fees should be in writing and such written information should be provided to the consumer.

Finally, the proposed statute includes potential fines but removes the criminal penalties included in the current statute. Additionally, to deter illegal conduct consumers should have a right to obtain injunctive relief and recover civil penalties, costs and attorney fees. Civil penalties should increase for multiple or repeat violations.

CANHR urges your “no” vote on AB 499.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alice K. Dueker', with a long horizontal flourish extending to the right.

Alice K. Dueker  
Staff Attorney