

# New Consumer Protection Legislation Seeks to Require New Levels of Transparency in Senior Living Referral System in Georgia!

*SB 439 to Require Full Disclosure of Financial Interests and Options to Consumers by Currently Unregulated Referral Industry!*

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Atlanta, Georgia (February 17, 2026)

Selecting an appropriate senior living option for a loved one can be an emotional and somewhat confusing process. It often has to be done quickly, the terminology can be puzzling, and, in some cases, not every consumer resource is what it appears to be. Many people turn to what are known as “senior living referral agencies” believing them to be impartial sources of information. Unfortunately, some referral agencies do not fully disclose the true nature of their relationships with providers, or what happens to their personal data, when sharing information with vulnerable consumers.

Now, new bipartisan legislation introduced in the Georgia General Assembly (Senate Bill 439, (<https://www.legis.ga.gov/api/legislation/document/20252026/240904>))

would establish consumer-first standards and require new levels of transparency for companies operating as senior living referral agencies, according to the Georgia Senior Living Association.

Families often believe they are contacting an independent advisor when they, or their friends and relatives, reach out to senior living referral agencies for information.

Unfortunately, they are often not clearly told two critical things. First, their name and personal information are shared broadly with a network of senior living providers.

Second, they are only being shown communities that have a paid relationship with the referral agency.

This confusion most often arises through heavily advertised national online referral platforms that function primarily as lead-generation services rather than personal advisors. In contrast, families who work with local referral agencies often build meaningful, personal relationships. However, even in those cases, families frequently do not realize that the relationship is a paid referral arrangement. As a result, residents and their families may not fully understand the role of the referral agency, the nature of its financial interest, or even when it became part of the decision-making process.

In addition, many residents and families later realize they found and vetted communities largely on their own, only to learn that a significant fee was still charged behind the scenes. Families often express discomfort or embarrassment when they realize their information was shared widely without their full understanding, and frustration that communities absorbed a cost they did not expect or authorize.

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Situations also arise where someone other than the senior or their legal representative, often an out-of-state family member, submits an online inquiry on a loved one's behalf and unknowingly initiates a contractual, referral relationship.

If a resident ultimately moves into any community that contracts with that agency, the agency receives a fee, regardless of whether they meaningfully contributed to the decision or not. Those fees typically range from 75 percent to more than 115 percent of one month's rent, care level, and services. Most consumers do not understand this structure until after move-in, if they learn it at all.

Senate Bill 439 seeks to close these transparency gaps by requiring clear, upfront disclosure when a referral agency presents only paid network options, clarity around the role of designated decision-makers, and a more transparent connection between referral agencies and the move-in, or selection, process.

SB 439 limits how long an agency can collect a referral fee to 24 months. This is a generous window, particularly given that A Place for Mom's own November 2025 white paper, Senior Care Search Trends: Navigating Options in the U.S., shows that 90 percent of placements occur within 12 months.

Concerns about deceptive practices are not hypothetical, according to Georgia industry representatives. They have surfaced across multiple states and are now being examined in federal court.

In Cedar Communities at Commerce, LLC v. Caring, LLC (Case No. 1:25-cv-00922-JPB), involving a Georgia-based senior living community, a federal judge has indicated that [Caring.com](https://www.caring.com) has likely violated existing federal and state laws related to deceptive business practices. The pending litigation alleges that families were misled about the nature of the services being provided, reinforcing the very transparency concerns Georgia lawmakers are attempting to address through SB 439.

These issues were also raised during a Senate Health and Human Services Committee hearing (February 9, 2026), when senior living providers, including members of the Georgia Senior Living Association, testified about abusive practices they have experienced from referral agencies. One provider described a situation in which a referral agency attempted to collect a referral fee for a resident who had moved in three years earlier, following the publication of the resident's obituary.

Supporters of SB 439 emphasize that the bill does not legislate the outcome of any lawsuit, nor does it create a contract for consumers. Instead, it establishes clear, consumer-first standards so families understand who they are working with, what options are being presented, and when financial interests are involved.

Despite this focus on transparency and consumer protection, national referral agencies are lobbying against the bill.

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#### About the Georgia Senior Living Association

The mission of the Georgia Senior Living Association (GSLA) is to promote the quality of life for Georgia seniors by leading the senior living industry through education, advocacy, and partnerships.

Founded in 1998, GSLA is a non-profit, member-based, 501(c)6 trade association representing Georgia's senior living industry and the growing population it serves.

Members range from state-licensed assisted living communities (ALC), personal care homes (PCH), Memory Care Communities (MC), and retirement campuses where assisted living, personal care, and memory care may be a component (CCRC), as well as Industry Partners (IP) that provide products and services for the senior living industry.

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