

“FREE” Speech

There has been some stakeholder debate on the accuracy and use of the word “FREE” by referral agents/agencies to describe their services.

I am personally and professionally opposed to any legislative encumbrances surrounding the use of the word, FREE in both *spoken* and *written* business communications.

Presently, most all referral agents (as defined herein) DO NOT charge the consumer for their professional services. My service is absolutely free to the client/consumer. There is no difference between my business use of the word free and it’s use by any other ethical business.

Some of the group discussion to date has bordered on the absurd. State officials do not challenge McDonald’s® when they speak and write, “Buy One Big Mac, Get One FREE” or when public health organizations offer a, “FREE Glaucoma Screening” or “FREE Blood Pressure Check” or when the ADRC suggests consumers contact them on their “toll-FREE” telephone number.

Consumers know what the word “FREE” means and, accordingly, it has become a \$1 billion word in American business marketing and American lexicon.

Most every consumer in America knows there is, “no such thing as a free lunch.” There is always a cost or expense to someone, somewhere. The *curious* client, in the course of normal verbal intercourse, naturally asks a referral agent, “How are you paid?” This happens in almost every encounter as a very normal part of an interactive, agent-client conversation. This scenario occurs without any mandated legislative regulation.

Thank you for your interest. I am available for further discussion of this topic at any time.

John Kaiser
Senior Living Advisor/Long Term Care Navigator/MBA

John Kaiser is the mid-valley’s longest practicing referral agent with over 15 years of industry experience—5 years in facility administration (ALF/RCF/MCF) and 10+ years as a transitions specialist/referral agent. John’s company, Assisted Living Solutions began operations in 2006. Since that time the company has become the acknowledged local leader in providing long term care advice, consultation and referral services to aging adults and their families.

assisted living solutions

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The Missing Discussion Piece

Who can engage a referral agency?

Proposal: Only the client(s) them self(selves) or their designated representative/POA or fiduciary.

There has been quite a bit of stakeholder discussion on the important topic of a consumer's right to rescind the services of a referral agent and how long a client name can be "owned" (or claimed) by a referral agency.

In an unplanned, event-driven referral scenario (a quite frequent occurrence) there is a great deal of "transition trauma" experienced by the client and their family. Panic may be a more accurate term. Impacted family members can be both local and spread anywhere across the planet. In all cases, local family members set about gathering information and resources as do some equally well-intentioned family members in Sheboygan, Wisconsin or where ever else they might be. Sometimes local family members bump into Assisted Living Solutions (ALS) and sometimes they bump into A Place For Mom (APFM) and, sometimes, family members bump into both ALS and APFM!

Each referral agency (ALS and APFM) has contracts with facilities in the areas they serve. While never actually researched, I'm certain the contractual overlap between ALS and APFM is well over 90% meaning more than 9-in-10 facilities have contracts with both companies.

In those instances where both ALS and APFM are contacted, some legislation and/or regulation for ascertaining who officially gets the referral seems appropriate. To date, stakeholder discussions have centered around the client's (or the family's) "right to rescind." In other words, giving clients and their families the ability to "opt out" of their existing agency relationship. The right to rescind/opt out approach deals only with half the problem. It is, therefore, only half the solution. The missing piece is the client's requirement to formally "opt in." How can someone rescind what they never subscribed to in the first place?

Which leads to a second corresponding question of who among the clients themselves and all the possible family members can formally engage in a referral agent? I might propose the client them self, their POA designate or a court-appointed fiduciary be required to more formally "opt in" to a referral agency relationship. An "Agency of Record" approach along with a more formalized "right to rescind" process to include agency notification requirements might well be the solution we seek. This approach also resolves the issues and claims to agency name "ownership."

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