

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

RICHARD WHITLEY, MS  
*Director*



CODY PHINNEY  
*Administrator*

TRACEY D. GREEN, MD  
*Chief Medical Officer*

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE**  
4220 S. Maryland Parkway, Suite 810, Bldg D, Las Vegas, NV 89119  
Telephone: 702-486-6515, Fax: 702-486-6520  
dphh.nv.gov

December 13, 2015

**MEMORANDUM**

To: Stephen Kendall Jones, MD, Chairperson  
State Board of Health

From: Cody Phinney, Secretary  
State Board of Health

Re: Case #672, A Place for Mom, Inc.

The Division of Public and Behavioral Health received requests for Variance to NAC 449.27829 (1) and (2) and NAC 449.27827(1) and (2).

The language of the regulations are as follows:

NAC 449.27829, "1. A referral agency shall: (a) Complete a needs assessment and financial assessment for each client and make referrals for the services that would best meet the physical, psychosocial and financial needs and wishes of the client; and (b) Submit to the residential facility for groups to which a client is referred a copy of the needs assessment completed by the referral agency for the client. 2. A referral agency shall not: (a) Accept any fee, inducement or incentive, for any reason, from a residential facility for groups, or from any person or entity associated with a residential facility for groups; or (b) Give a discharge planner, case manager, social worker or any other person who has the responsibility of discharge planning, a fee or incentive for prospective clients."

NAC 449.27827, "1. Employees of a referral agency must have a working knowledge of the provisions of NRS and NAC that govern the licensing of residential facilities for groups. 2. An employee of a referral agency who is not licensed as a nurse, social worker, physician or physician assistant shall not gather any information needed to complete a needs assessment or financial assessment of a client, or engage in the process of referring a client to a residential facility for groups."

**STAFF REVIEW**

A Place for Mom, Inc. is currently an internet information service company that receives payment from communities and providers in Nevada, for providing information and consultation to families to assist them in finding possible senior living options.

The applicant has expressed a desire to provide these same services and in addition provide referrals to residential facilities in the future in exchange for payment from the facilities receiving residents referred

by the applicant.

The applicant submitted a licensure application on June 4, 2015 for a business that provides referrals. During HCQC's review of the application it was determined applicant did not have a brick and mortar building in the State of Nevada. Due to this circumstance, it was determined A Place for Mom would need to enter into a formal agreement, indicating that they are subject to Nevada law (specifically licensure, pursuant to the statutes under which they are making application for a license and this variance request); that all records requested would be made available or produced electronically. The applicant has not yet provided the requested agreement.

In addition to the unique licensure application circumstances, the facility requested a variance to NAC 449.27829 (1) and (2) which if granted would not be in alignment with NAC 654.210 enforced by the Board of Examiners for Long Term Care Administrators. NAC 654.210 indicates "The Board may bring disciplinary action against a licensee or deny the issuance of or refuse to renew a license as a nursing facility administrator or an administrator of a residential facility for groups if the Board finds that the applicant or licensee: (2) Is guilty of unprofessional conduct, including, without limitation: (g) Paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for the solicitation or procurement of a patient or resident."

The Board of Health has not granted any similar variances for this facility type.

#### **INTENT OF THE REGULATION**

The intent of the regulation NAC 449.27827 is to ensure referral agencies are providing appropriate facility options based on the individual needs of the client. Additionally, the regulation was intended to prevent a referral business from moving a resident multiple times from facility to facility to recover additional fees. The intent of the regulation NAC 449.27829 is to ensure referrals are made based on needs as assessed by a professional and not based strictly on a financial incentive.

#### **DEGREE OF RISK TO HEALTH AND SAFETY**

Approval of the variance requests would put residents at risk from the referral agency of providing referrals based on a payment structure rather than strictly on a needs basis. The applicant's fee structure would potentially exclude some facilities able to provide quality care, but unable to pay the costs associated with individual referrals. The request for variance from the licensed staff removes the professional component of the evaluation to ensure recommended facilities meet the specific medical and psycho social needs of the resident. residential facilities for groups have a requirement to ensure they are properly assessing individuals prior to admission. In addition the regulations require referral agencies to conduct assessments to ensure the agency makes an appropriate referral. However, if this variance is granted, there would be no assessment by the referring agency (the applicant) as to whether the specific resident's needs could be fulfilled by the facilities receiving referrals. As such, there would be no determination by the referral agency that the facility receiving the referral has the capacity to meet the needs of the resident.

#### **EXCEPTIONAL AND UNDUE HARDSHIP**

The applicant did not provide information regarding financial hardship, rather the applicant merely noted, A Place for Mom is an internet information service company that receives payment from communities and providers in exchange for providing information, consultation in local areas, and referrals to families to assist them in finding possible senior living arrangements.

## **PUBLIC COMMENT RECEIVED**

The Board of Examiners for Long Term Care Administrators (BELTCA) is opposed to approval of this variance, as the variance is in conflict with their regulatory authority as noted in NAC 654.210. The State Long-Term Care Ombudsman documented concerns with the variance request, as have other members of the public, during the 10/29/15 BELTCA meeting.

## **STAFF RECOMMENDATION**

Staff recommends denial of Case #672, A Place for Mom's request for a variance to NAC 449.27829 regarding receiving a fee from a residential facilities for groups for resident referral and NAC 449.27827 regarding having a licensed professional to complete a needs assessment for clients. Staff notes that the applicant has not fulfilled the requirements for variance as established at NAC 439.240(1) and (2) as follows:

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable the applicant to preserve and enjoy his or her property right; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he or she suffers or will suffer economic hardship by complying with the regulation, the applicant must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable.

## **PRESENTER**

Kyle Devine, M.S.W., Bureau Chief  
Bureau of Healthcare Quality and Compliance  
Division of Public and Behavioral Health

Enclosures

NEVADA STATE BOARD OF HEALTH  
NEVADA STATE HEALTH DIVISION  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

RECEIVED  
MAY 26 2015  
DPBH Administrator

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning &  
Emergency Response  
(NAC 440, 450B, 452, 453, 453A, & 695C)

Frontier and Rural Health Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: \_\_\_\_\_

Name of Applicant: A Place for Mom, Inc. Phone: 206-802-1571

Mailing Address: 701 Fifth Ave, Ste 3200

City: Seattle State: WA Zip: 98104

We do hereby apply for a variance to chapter/section 449.27827, 449.27829 of the Nevada Administrative Code (NAC). (For example: NAC 449.204) 654.210

Title of section in question: Businesses that provide referrals. Provisions applicable to both

Statement of existing or proposed conditions in violation of the NAC: nursing facility...

See attached letter, Part A

Date of initial operation (if existing): 2000

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:

(a) There are circumstances or conditions which:

- (1) Are unique to the applicant;
- (2) Do not generally affect other persons subject to the regulation;
- (3) Make compliance with the regulation unduly burdensome; and
- (4) Cause a hardship to and abridge a substantial property right of the applicant; and

(b) Granting the variance:

- (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
- (2) Will not be detrimental or pose a danger to public health and safety.

2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health   No risk  

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**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

  See attached letter, Part B  

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2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

See attached letter, Part C

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

See attached letter, Part D

The bureau may require the following supporting documents to be submitted with and as a part of this application: *not applicable*

- \_\_\_\_\_ 1. Legal description of property concerned \_\_\_\_\_
- \_\_\_\_\_ 2. General area identification map
- \_\_\_\_\_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_\_\_\_\_ 4. Well log (if applicable)
- \_\_\_\_\_ 5. Applicable lab reports
- \_\_\_\_\_ 6. Applicable engineering or construction/remodeling information
- \_\_\_\_\_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application

and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:

The next regularly scheduled Board of Health meeting, regardless of location.

The next scheduled meeting in Carson City.

The next scheduled meeting in Las Vegas.

Signature:

Camille Cleveland

Printed Name:

Camille Cleveland

Title:

SVP, General Counsel

Date:

5/14/15

**PLEASE MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO:  
NEVADA STATE HEALTH DIVISION AND RETURN THIS APPLICATION,  
ALONG WITH THE REQUIRED FEE PURSUANT TO NAC 439.210, TO:**

Richard Whitley, MS, Administrator  
Nevada State Health Division  
4150 Technology Way, Suite 300  
Carson City, NV 89706

**(See the attached table to determine the appropriate fee)**



May 13, 2015

Nevada State Board of Health  
Nevada State Health Division  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Dr. Stephen Kendall Jones, Vice Chair  
Dr. Dipti R. Shah  
Brian Saeman  
Joan Anjum, RN  
Michael Cate  
Jon R. Pennell, DVM  
Monica R. Ponce, DDS

**Re: Application for Variance**

Dear Vice Chair Jones and members of the Nevada State Board of Health:

**Part A: Statement of existing or proposed conditions in violation of NAC.** A Place for Mom is seeking variance from three separate Nevada Administrative Code provisions.

- NAC 449.27829 prohibits a referral agency from receiving any fee, inducement or incentive from a residential facilities for groups.
- Similarly NAC 654.210 prohibits a residential facility for groups from paying or giving, or causing to be paid or given, a fee, commission or other valuable consideration, inducement or incentive for the solicitation or procurement of a patient or resident, or referring a patient or resident to a facility.
- NAC 449.27827 prohibits an employee of a referral agency who is not licensed as a nurse, social worker, physician or physician assistant from gathering any information needed to complete a needs assessment or financial assessment of a client, or engaging in the process of referring a client to a residential facility for groups.

**Part B: An exceptional and undue hardship results from a strict application of the Regulations.** A Place for Mom is an internet information service company that receives payment from communities and providers in exchange for providing information, consultation in local areas, and referrals to families to assist them in finding possible senior living options. Over the past 15 years, A Place for Mom has helped thousands of families nationwide and in Canada. A Place for Mom's mission is to help families learn about and find senior living options for their loved ones, based upon their needs and resources. More information about A Place for Mom and its services is provided in Attachment A.

**Residential Facility for Groups are prohibited from paying a referral fee.** In Nevada, A Place for Mom is currently partnered with 27 communities ("residential facilities for groups") under an annual subscription/marketing agreement. The subscription/marketing agreement requires the partnered residential facilities for groups to pay A Place for Mom an annual fee to receive referrals generally, versus



A Place for Mom's typical business model where facilities pay only when a senior moves in. A Place for Mom is partnered with residential facilities for groups under this type of partnership because the current NAC 449.27829 and NAC 654.210 do not allow the collection of a fee per referral.

A Place for Mom is partnered with 20 independent living communities in Nevada on the standard referral contract, which requires the independent living communities to pay A Place for Mom a percentage of a referred senior's first month's rent upon move in. These independent living communities are not defined as "residential facilities for groups" under the Nevada law, and thus, are eligible to partner with A Place for Mom under a standard referral contract. With the exception of Nevada, the standard referral contract is the business model used by A Place for Mom with partnered senior living communities in all other states.

A Place for Mom, as well as families, has experienced an exceptional and undue hardship from the strict application of NAC 449.27829 and NAC 654.210. Granting A Place for Mom a variance from NAC 449.27829 and NAC 654.210 would allow A Place for Mom to refer families to residential facilities for groups under a standard referral contract. The variance would have a substantial positive impact on families, with A Place for Mom expanding its business in Nevada and helping more families and residential facilities for groups.

***Employees of referral agency must be licensed nurse, social worker, etc.*** In the initial phone conversation between A Place for Mom and the senior (or their family member who is responsible for the search/information inquiry), a few initial questions are asked, and then the inquirer is connected with a local Senior Living Advisor near or knowledgeable about the location where the senior needs senior living or care. The local Senior Living Advisor then asks additional questions related to a needs assessment and financial assessment to obtain an understanding of the inquiry. Based on this information, the local Senior Living Advisor identifies and provides a list of the senior living and care options that meets the stated needs and budget of the family.

APFM does not provide any health care services directly and is not owned or affiliated with any health care provider. With the exception of Nevada, APFM employs local Senior Living Advisors, Partner Service Managers, and Community Relations Advisors based throughout the United States. Partner Services Managers procure agreements with the senior living communities and care providers. Community Relations Advisors are business development representatives who are responsible for building a network of professional referral sources for APFM and identifying current or potential referral sources and develop relationships in a defined market. None of the Senior Living Advisors, Partner Service Managers, or Community Relations Advisors is employed by APFM as health care professionals.

A Place for Mom, and the families it seeks to serve, have experienced an exceptional and undue hardship from the strict application of NAC 449.27827. Because none of A Place for Mom's employees are licensed nurses, social workers, physicians or physician assistants, NAC 449.27827 prevents A Place for Mom from giving information referrals to families seeking residential facilities for groups. A Place for Mom is merely a reference and information source. The senior and the residential facilities for groups each have the responsibility to independently verify all information provided by A Place for Mom.

**Part C: The variance, if granted, would not cause substantial detriment to the public welfare.**

The requested variances would not cause substantial detriment to the public welfare. As explained in greater detail in Attachment A, A Place for Mom protects seniors and their families and provides them with resources. Furthermore, starting in 2012, A Place for Mom conducts a review twice a year to confirm the valid licensure status of communities and providers, as well as review any violations by those communities and providers that might preclude referrals.

Most important, A Place for Mom makes a number of disclosures to families, including: (i) the requirements to become an A Place for Mom partnered community or provider; (ii) the fact that the community or provider pays a referral fee; (iii) the general manner in which A Place for Mom matches families to communities and providers; (iv) the nature of the relationship between us and the communities and providers; and (v) the nature of any restrictions that would exclude a care facility or provider from participating in our network. In emails to families, as well as throughout the website and other marketing materials, A Place for Mom clearly discloses to families that its fee is paid by the communities or providers and never by the families. Furthermore, to further our goal of protecting families from unscrupulous business practice, A Place for Mom prohibits partnered communities from “passing through” any fees to the family or to charge higher rates to the family because they use our services.

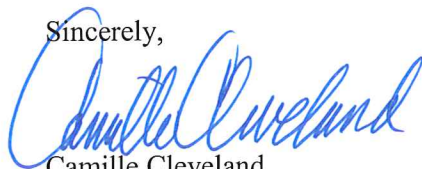
**Part D: The variance, if granted, would not impair substantially the purpose of the regulation from which the application seeks a variance.**

*The concerns in 1999 about “body shuffling” have not occurred.* When NRS 449.0305 and the associated regulations were adopted in 1999, one of the concerns was that referral service agencies were making inappropriate placements and were shifting clients from one home to another to generate additional referral fees *being paid by the client*. First, no fees are paid to A Place for Mom by clients – we are paid by participating communities. Second, in A Place for Mom’s experience, second searches represent only 0.36% of our entire client base in 15 years of operation. The money generated from clients seeking a second search (generally happening when a resident develops a higher acuity and has a need for a location with more services such as Alzheimer’s care) represents only 7.5% of our overall referral fees.

*The concerns in 1999 about families paying the referral fee are mitigated entirely by A Place for Mom’s model.* In its 15 year history, A Place for Mom has never asked or accepted fees from the senior or his/her family. Removing the senior and his/her family from the contractual arrangement between the senior living community and A Place for Mom affords the family the ability and peace of mind to choose the best senior living community for the senior. Further, if the senior living community were to involve the family in a contractual dispute between the senior living community and A Place for Mom, the referral fee invoice is written-off in order to remove the family from the contractual dispute between the senior living community and A Place for Mom.

There are only two agencies in the entire state of Nevada that currently are licensed under the subject statutes. Granting A Place for Mom a variance from NAC 449.27829, NAC 449.27827, and NAC 654.210 would allow A Place for Mom to operate under the standard referral agreement it uses throughout the rest of the country, and would present an opportunity to help more families find information on residential facilities for groups, as well as expanding its business presence and employee base in Nevada.

Sincerely,



Camille Cleveland  
Senior Vice President and General Counsel  
[camille@aplaceformom.com](mailto:camille@aplaceformom.com)  
206.802.1558 (office)  
773.793.6009 (cell)

Attachment

Cc:

Assemblyman James Oscarson  
Chelsea Capurro, Griffin Company

## Attachment A

A. **Background.** A Place for Mom (“APFM”) is an internet information service company that receives payment from communities and providers in exchange for providing information, consultation in local areas, and referrals to families to assist them in finding possible senior living options. Over the past 15 years, A Place for Mom has helped thousands of families nationwide. In 2014, A Place for Mom began providing internet information services in Canada. A Place for Mom’s mission is to help families learn about and find senior living options for their loved ones, based upon their needs and resources. *Tab A* is a Fact Sheet about A Place for Mom, with live links to many of the websites, blogs and brand videos that give you more information about our company.

B. **How A Place for Mom works with families.** Seniors and their families contact A Place for Mom primarily through two methods: (a) by calling directly our toll free number; or (b) requesting information by submitting an internet information request form. In the initial phone conversation with a Senior Resource Coordinator, the senior (or their family member who is responsible for the search/information inquiry) is asked a few initial questions and then is connected as quickly as possible with a local Senior Living Advisor near or knowledgeable about the location where the senior needs senior living or care. After the transfer to a local area, the local Senior Living Advisor then asks additional questions related to a needs assessment and financial assessment to obtain an understanding of the inquiry. *Tab B* is a general list of those questions.

Based on this information, the local Senior Living Advisor identifies and provides a list of the senior living and care options that meets the stated needs and budget of the family. A Place for Mom then provides the family with the name and contact information for at least two (but on average 4 - 5) options for senior living or care services. *Tab C* is a sample letter which we email to the family.

The emailed letter to the family also contains a link to consumer reviews of the communities and providers posted on [www.senioradvisor.com](http://www.senioradvisor.com). In 2013, SeniorAdvisor.com, a subsidiary of A Place for Mom, Inc., was established. SeniorAdvisor.com is the premier consumer ratings and reviews site for senior living communities, providing reviews and advice directly from other seniors and their families. A Place for Mom believes that this unbiased, third party *information from other families* is an important component to this information A Place for Mom provides. SeniorAdvisor.com currently has over 70,000 consumer reviews on senior living communities.

A Place for Mom (i) always provides the seniors and their families with the contact information for at least two communities or providers; (ii) advises the family how A Place for Mom gets paid – that the service is free to families because A Place for Mom is paid by communities that participate in our network; (iii) informs seniors and their families that A Place for Mom does not endorse or recommend any care facility or provider; (iv) advises the family that it is their responsibility to select the appropriate community or provider for their senior family member; (v) encourages families to tour and ask questions of each facility to ensure they select the facility that best meets their needs; and (vi) provides seniors and their families with a list of questions to assist them in the touring and selection process.

C. **How A Place for Mom protects seniors and their families and provides them with resources.** A Place for Mom has created many resources to help educate seniors and their families. One of the most important resources A Place for Mom created was a webpage for a State Guide to Assisted Living Records & Reports. The State Guide was featured in the New York Times article, and it is attached as *Tab D*. The guide provides seniors and their families with the most comprehensive information available on the quality and accessibility of assisted living records for every state and the District of Columbia. The information in this webpage was the culmination of three years of research and analysis conducted by A Place for Mom as part of our audit process to ensure that communities in our network are licensed and in compliance with their state regulating agencies. The results of the report are

represented in an interactive map. The map is color coded in accordance with each state's overall grade and allows visitors to click for more information, including tips for families seeking senior housing within each state and a breakdown of how it fared in all of the evaluation categories.

<http://www.aplaceformom.com/assisted-living-state-licensing>

A Place for Mom also provides families with their own MySearch account, a web-based tool to allow families to track their referred care facilities, to request a tour directly with the care facility, and to track facility contacts. The MySearch tool allows families the ability to efficiently provide updates on their status and progress, as well as general feedback.

A few other items of note on how A Place for Mom works with families:

- A Place for Mom never requires the family to enter into an exclusive agreement with us. The seniors and their families may, at any time, with or without cause, stop using our services or switch to another referral agency without penalty or cancellation fee. Because the seniors and their families pay no fee for our services, refunds are never required.
- While local Senior Living Advisors are available to assist families and the communities and providers throughout the process, including scheduling tours, the local Senior Living Advisors do not attend tours or visit with seniors and their families in person.
- A Place for Mom only works with families who are private pay clients. A Place for Mom does NOT work with clients who will finance their stay, as of the time of consultation, with payments from Medicare, Medicaid, or other public pay program, which would be in violation of federal anti-kickback laws.
- Since November 1, 2012, A Place for Mom has been acting as a "mandatory reporter" nationwide, by requiring employees who interact with vulnerable adults to report abuse, neglect, financial exploitation, or abandonment immediately to the applicable local or state agency. Since that time, we have reported over 1,500 instances of potential abuse, neglect, financial exploitation, or abandonment to a vulnerable adult.

D. **How A Place for Mom works with communities and providers.** At the same time the local Senior Living Advisor provides the family with the list of the community and provider options, the Advisor sends an email to those communities and providers indicating that the family may be considering their services, and providing the families' contact information. To help facilitate the discussion between the parties, the email also includes information about the senior's desired location, general level of care needs, budget range, possible sources of payment, and in some cases a short narrative description of the senior's preferences based on the Senior Living Advisor's consultation. *Tab E* is a sample referral letter from A Place for Mom to the community.

With the exception of Nevada, communities and providers in the A Place for Mom network pay a referral fee only if the family moves into the community. The referral fee, in most instances, is a percentage of first month's rent and care charges. A Place for Mom's partnered communities and providers are free to terminate their agreement upon 30 days written notice.

A Place for Mom prohibits its Senior Living Advisors from referring families to a senior living community or provider where the employee has an ownership interest.

E. **A Place for Mom's Licensing Review and Audit Process.** In 2012, A Place for Mom adopted a bi-annual Licensing Review and Audit Process Policy. A Place for Mom conducts a review twice a year to confirm the valid licensure status of communities and providers which: (i) have contracts with A Place for Mom; and (ii) are required to be licensed by the state. If a community loses its license, A Place for Mom suspends or terminates the community's contract. A Place for Mom also conducts a bi-

annual audit of a community's state licensing violations that affect resident health and safety. If the state regulatory authority determines that violations raise significant issues regarding the health and safety of residents, A Place for Mom may suspend or terminate the community's contract.

**F. How A Place for Mom provides clear disclosures to seniors and their families.** A Place for Mom makes a number of disclosures to families, including: (i) the requirements to become an A Place for Mom partnered community or provider; (ii) the fact that the community or provider pays a referral fee; (iii) the general manner in which A Place for Mom matches families to communities and providers; (iv) the nature of the relationship between us and the communities and providers; and (v) the nature of any restrictions that would exclude a care facility or provider from participating in our network.

In emails to families, as well as throughout the website and other marketing materials, A Place for Mom clearly discloses to families that our fee is paid by the communities or providers and never by the families. Furthermore, to further our goal of protecting families from unscrupulous business practice, A Place for Mom prohibits partnered communities from "passing through" any fees to the family or to charge higher rates to the family because they use our services. *In the attached sample letter which is emailed from A Place for Mom to the family, these disclosures are in the signature block.*

### **Tabs**

- A. APFM Fact Sheet
- B. List of questions our Senior Living Advisors ask families
- C. Emailed letter from APFM to family with list of care facilities and providers, and links to reviews posted on SeniorAdvisor.com
- D. New York Times article titled *Searching for Quality in Assisted Living Care*, dated May 17, 2014
- E. Emailed referral letter from APFM to care facilities and providers, with family's information

TAB A: APFM Fact Sheet



## About A Place for Mom

Since A Place for Mom was established in 2000, we have helped over a million families find senior care and housing options, and have become the largest senior living referral service in the U.S. and Canada. As A Place for Mom continues to grow and evolve, our mission remains constant: *to uplift the lives of seniors and their families*. Click [here](#) to view a video about our brand.

A Place for Mom is unique in that:

- We have more than 350 local [Senior Living Advisors](#) across the country that work directly with families to understand their needs and then provide senior living options that meet those requirements.
- We work with a network of 20,000 providers of senior living and care services, including home care services, independent living, assisted living, residential care homes, memory care, etc.
- We partner with [Joan Lunden](#) to help educate consumers and support the APFM brand. Joan is a well-known family caregiving advocate, award-winning journalist and longest running host of Good Morning America.

A Place for Mom is paid by the participating communities and providers in the APFM network. As a result, our services are offered at no charge to families. APFM also performs quality assurance on our partner communities in the following ways:

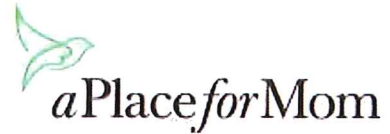
- We monitor state and provincial resources to insure that communities partnered with APFM are not only licensed, but remain in good standing with the appropriate state regulatory agencies.
- We perform bi-annual license reviews and official violation audits of partner communities.
- We direct families to available [state websites](#) and [province websites](#) that provide information regarding facility licensure, inspection summaries and violations.
- We designate Senior Living Advisors as mandatory reporters for claims of senior abuse or neglect.

## Resources for Families

In addition to the advisory service of our Senior Living Advisors, we help educate consumers through a variety of vehicles:

- [APFM website](#) – receives nearly a million visitors a month, features a robust [Resource section](#) and is supported by a team dedicated to expanding our content daily. Some of our tools available for families on APFM's site includes:
  - [State Guide to Assisted Living Records & Reports](#) – featured in the [New York Times](#), this one-of-a-kind directory of assisted living licensing websites organized by state that provide regulation standards and individual assisted living facility inspection summaries and violation histories.
  - [Caregiver Toolkit](#) – a comprehensive resource containing 75 pages of educational guides, checklists, tools and worksheets to help families as they learn and plan for senior care.
  - Financial Guides – although federal law prevents us from making referrals for families using public pay, we offer a robust set of information to help families plan for and find financial sources for senior care using public pay, such as the *Medicare Resource Guide*





and *Public Pay Resource Guide*. APFM offers other tools available for comparing and gauging the cost of senior housing and care such as the [Senior Care Calculator](#) and the [Senior Living Price Index](#).

- [SeniorAdvisor.com](#) - the premier consumer ratings and reviews site for senior care providers across the US and Canada. Families can read about other consumers' experiences, which is helpful when making an important decision about senior living.
- [Senior Living News, Trends and Tips Blog](#) – APFM's blog offers articles on a wide variety of topics related to senior living. APFM has a team of writers and third-party experts to create guest posts, topic-specific Q&As, tip lists, etc.
- Senior Living newsletter – offers a glimpse into daily caregiving and long-term care issues, finance and elder law topics, as well as senior health news. The newsletter reaches 700,000 people a week, many of whom are caregivers.
- [Caregivers.com blog](#) – a place for caregivers of aging adults to receive understanding, support, news and tips.
- [Alzheimers.net](#) – a forum and resource center for people who have, or know someone with Alzheimer's.

To learn more about A Place for Mom, visit [www.aplaceformom.com](http://www.aplaceformom.com)

TAB B: List of questions our Senior Living Advisors ask families

### Lead Summary

Resident: ██████████ (Female)  
Primary Contact: ██████████ (Daughter); ██████████ ██████████  
MySearch: [Send Email](#)

Send Self-Assessment: Not available

Send Public Pay Resource Guide: [Send Email](#)  Rectangular Snip

[Inquiry Information](#)   [General Questions](#)   [Financial Questions](#)   [Contact Information](#)

Do Not Call

[Create Duplicate Lead](#)

[Save Lead](#)

### Inquiry Information

Inquiry Date:

Lead Status:

Inquiry Method:

Assigned To:

Lead Source: [Internet > A Place for Mom.com](#) [Edit Source](#)

Sales Phase: Move-In Referral Partner

CRA/PSM: N/A

Lead ID: 13155947

Follow-Up Score: 47 (Follow-Up Call Score: 4, Referral Score: 13, Tour Score: 30)

[Disclosure Communicated](#)

[Check for Duplicates](#)

[Check for Similar Residents](#)

### General Questions

"Now let me ask you some questions so we can find the right care options and eventually schedule some tours."

Have you worked with A Place for Mom before?

Have you confirmed the Source Information above?

What is the timing for when the senior expects to move?

\* Where is your loved one currently living?

Is your loved one taking any medications?

Yes - they need help taking their medications ▼

How old is your loved one?

91

Does your loved one experience memory loss?

No ▼

How do they get around?

Walker ▼

Does your loved one need help bathing or showering?

No ▼

Does your loved one need help toileting?

No ▼

What level of diabetic care do they need?

Not Diabetic ▼

Are there any other health issues and/or nutritional needs?

Takes heart, thyroid and blood pressure medication.

Is there anything else you would like to tell me about your loved one?

## Financial Questions

"The Care you are looking for typically starts at (quote average market rate). Will that work for your Mom/Dad?"

If No:

"Let's talk about your monthly budget and what you can fund financially."

### Funding Options

\* Budget:

\$2,500-\$2,999 ▼



Are they a veteran or was their spouse a veteran?(US Only)

No ▼

VA Aid and Attendance Benefits:(US Only)

Not a candidate ▼

Long Term Care Insurance Policy:

No policy ▼

Financial Resources:

- 401K
- Companion room interest
- Family willing to contribute
- Home to sell

Contact Information

Primary Contact: Joy [REDACTED]

* Name	Joy [REDACTED]	* Relation to Resident	Daughter
Address 1	[REDACTED]	Home Phone	(909) [REDACTED]
Address 2	[REDACTED]	Work Phone	[REDACTED]
City	[REDACTED]	Cell Phone	[REDACTED]
State/Prov.	- select -	Fax Number	[REDACTED]
Postal Code	[REDACTED]	E-Mail	[REDACTED]
Country	United States	E-Mail 2	[REDACTED]
<input checked="" type="checkbox"/> Allow Contact <input checked="" type="checkbox"/> Inquirer <input type="checkbox"/> Mailings			

Resident Contact: Marie [REDACTED]

* Name	Marie [REDACTED]	2nd Resident Name	[REDACTED]
Address 1	[REDACTED]	Home Phone	[REDACTED]
Address 2	[REDACTED]	Work Phone	[REDACTED]
City	[REDACTED]	Cell Phone	[REDACTED]
State/Prov.	- select -	Fax Number	[REDACTED]
* Postal Code	[REDACTED]	E-Mail	[REDACTED]
Country	United States	E-Mail 2	[REDACTED]
* Gender	Female	Marital Status	- select -
<input checked="" type="checkbox"/> Allow Contact <input type="checkbox"/> Inquirer <input checked="" type="checkbox"/> Mailings			

TAB C:

Emailed letter from APFM to family with list of care facilities and providers, and links to reviews posted on SeniorAdvisor.com

## Thuy Nguyen

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**From:** Yvonne Folan  
**Sent:** Friday, April 03, 2015 12:38 PM  
**To:** Yvonne Folan  
**Subject:** FW: Beginning Your Senior Living Search With A Place for Mom

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**From:** Linda Temple [mailto:yglttest@aplaceformom.com]  
**Sent:** Friday, April 03, 2015 12:37 PM  
**To:** Amy Smith --] yglttest@; Amy Smith --] apfmtester01@  
**Subject:** Beginning Your Senior Living Search With A Place for Mom



Dear Amy,

It was a pleasure speaking with you. Based on the information you provided me, I have compiled a list of options for your family to consider.

You may contact the providers listed below to learn more about them and to arrange (or confirm) tours. For your convenience, I have shared your requirements and information with the communities listed below. They may reach out to you to see if you would like to visit them, or to answer any questions about their services.

I also encourage you to take control of your search with [MySearch](#), an online tool to help you conveniently manage and organize your search.

I am here to help with your search and ready to assist you in any way I can. Many families call me to prepare for their tours, as well as afterwards so we can walk through the pros and cons of each option. I'll keep in touch to make sure you find a good solution and to answer any questions that may arise. So please feel free to call me anytime. I am always here to help you!

Warm regards,

**Linda Temple**  
Senior Living Advisor  
*Call(866) 333-2268*



**I'm your advisor,  
Linda Temple.**

**Communities**



## GLEN PARK WEST

1220 Mariposa Street Glendale CA 91205

 10 Reviews

### Helpful Review

"The Glen Park West was very open air and everyone was very friendly. More people about. Rooms nice. Charlotte said it takes five to six months for..." [more »](#)

### Community Contact

Charlotte McKenna and Annie Carbillo

**Call (818) 242-9000**

## WESTCHESTER VILLA

220 West Manchester Boulevard Inglewood CA 90301

 16 Reviews

### Helpful Review

"Facilty was clean and staff courteous. Close by my home. Unfortunately the buidling does not have central air."

### Community Contact

Matthew Chinichian

**Call (310) 673-1093**

## VILLA SORRENTO

23450 Madison Street Torrance CA 90505

 19 Reviews

### Helpful Review

"This was a great place for my Mother and very affordable. It was only for a short 2 week stay but if I ever need a permanent home for her this..." [more »](#)

### Community Contact

Carla Chan

**Call (310) 539-6826**



## Track Your Progress with MySearch

- Organize your decisions by taking notes and rating your options
- Schedule tours instantly
- View your complete referral list with photos and information about each option
- See your selections on a map

[Go to MySearch](#)

[Go to MySearch](#)

A Place for Mom ("APFM") is North America's largest senior living referral service with 300 advisors providing resources and personalized assistance in finding senior living services. Using its network of over 20,000 providers, APFM helps families find options based on a loved one's stated needs, preferences and budget. This may include independent senior housing, home care, residential care homes, assisted living communities and specialized Alzheimer's memory care. The service is offered at no charge to families, as providers pay a fee to APFM.

Providers may be included in the APFM network if they are appropriately licensed by the state or province in which they operate. If APFM determines that a provider has lost its license, for any reason, or if APFM has received complaints of significant dissatisfaction by consumers which are documented and can be proved, the provider may be excluded from the network.

APFM does not endorse or recommend any provider as we believe it is the consumer's sole responsibility to select the appropriate care for a loved one or for oneself. The providers which are referred to families are options to assist in finding the right care or housing. Families are encouraged to tour and ask questions of each community or agency to ensure they select the community or agency that best meets their needs. A list of questions to assist you in the selection process is available from A Place for Mom, Inc.

APFM does not own or operate any of the providers to which it refers. APFM does not broker, sell or lease space directly and is not a party to any transaction between the provider and the family.

TAB D:

New York Times article titled *Searching for Quality in Assisted Living Care*, dated May 17, 2014

# The New York Times

## *Searching for Quality in Assisted Living Care*

By ANN CARRNS MAY 15, 2014

Finding the right assisted living option for a family member can be a daunting task, and it's not always easy to find data about the quality of various facilities.

To help families get the information they need, A Place for Mom Inc., a commercial housing referral service for older adults, recently created an [online, state-by-state guide](#) to obtaining records on assisted living communities.

Josh Lucas, regulatory licensing program manager for A Place for Mom, said the tool grew out of the company's efforts to make sure all the facilities it works with were properly licensed. (A Place for Mom does not charge clients, but earns fees from participating facilities when they accept those referred for placement.)

The directory ranks all 50 states and the District of Columbia based on the ease with which consumers can gain access to inspection reports and other documents — like notices of complaints, violations or fines — for assisted living centers. Assisted living centers are for older people who need help with activities of daily living, like dressing, bathing or meal preparation. Roughly one million people live in such facilities in the United States, according to a report from the American Society on Aging.

Nursing homes, which are for people who need more intensive medical care, are generally regulated by the federal government because many are certified to participate in the Medicare and Medicaid insurance programs. Consumers can find detailed quality information about them using the federal [Nursing Home Compare](#) tool.

Assisted living centers, however, are primarily licensed and regulated by states, and residents often pay out of pocket for services, so the availability of information about them varies. According to a recent report from Genworth Financial, the median rate for assisted living nationally is \$3,500 a month.

A Place for Mom's tool groups states into four categories, based on how easy it is to get inspection reports, for example, Mr. Lucas said. The site based its rankings on a dozen criteria, including availability of data online, the frequency with which records are updated, the publication of inspections and violations, and the scope of information available.

Twenty-nine states were deemed of "exceptional" or "high" rank. Missouri ranked first for its "highly transparent" records: A person can click on a facility's name online to see its inspection reports, with any deficiencies noted. The state also got high marks for the frequency of its inspections, which are required every six months. Florida and Washington also rank highly.

Eight states, including New York, and the District of Columbia are ranked as "moderate," while 13 are considered "basic" — a nice way of saying that they could stand some improvement. South Dakota ranked 50th, while Massachusetts ranked 51st; the guide notes that it is "the most difficult state from which to acquire assisted living records." The state's list of facilities is available only as a PDF or Word file, and is outdated, according to the directory. (The list says it is current as of February 2013.)

The Massachusetts Executive Office of Elder Affairs did not immediately respond to a request for comment.

Thomas E. Martinec, deputy secretary of the South Dakota Department of Health, said in an email that assisted living survey reports were considered public records, and consumers can request them either by phone, email or mail. The state provides online access to [nursing home reports](#), and intends to offer similar access for other licensed facilities, including assisted living centers, "as time and resources allow."

Here are some additional questions about assisted living:

■ *Where can I find tips for selecting an assisted living center?*

The [National Center for Assisted Living](#) and the [National Long Term Care Ombudsman Resource Center](#) offer guides and checklists for consumers.

■ *What if I have to file a Freedom of Information request to obtain inspection reports?*

Some states require that a request be submitted by mail or fax; others permit requests over the phone. If you need help, the National Freedom of Information Coalition offers [sample letters](#) on its website.

■ *Should I rule out an assisted living center if it has had a recent violation?*

Violations vary in severity and risk, Mr. Lucas noted, so that should be taken into account. A citation for leaving lids off garbage cans, for instance, may not be as much of a concern as one for having disconnected security alarms at a facility that houses residents with memory disorders. He suggests asking the facility, as well as state regulators, about the details of a violation and how it was fixed.

Mr. Lucas also said that consumers should consider whether the facility has corrected any problems; if it had multiple violations two or three years ago but fixed them, and has remained free of deficiencies, that signals a commitment to improve.

Patricia L. McGinnis, executive director of the California Advocates for Nursing Home Reform, said that since regulations vary by state, consumers should try to familiarize themselves with their states' rules.

In California, she said, even a "deficiency" notice involving a death may bring only a small fine, so the size of a penalty is not necessarily enough to go by. (The group is campaigning for tougher rules for assisted living facilities, also known as residential care facilities.) "You have to put it in context," she said. "What is the severity of the complaint?"

TAB E:  
Emailed referral letter from APFM to care facilities and providers, with family's  
information

## Thuy Nguyen

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**From:** Yvonne Folan  
**Sent:** Friday, April 03, 2015 12:38 PM  
**To:** Yvonne Folan  
**Subject:** FW: [New Lead] Abby Smith

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**From:** Linda Temple [<mailto:ygltest@aplaceformom.com>]  
**Sent:** Friday, April 03, 2015 12:36 PM  
**To:** Carla Chan --] ygltest@; Carla Chan --] apfmtester01@  
**Subject:** [New Lead] Abby Smith

## A New Potential Resident!



Hello,

I hope you are having a wonderful day! Below is information about a family that I am referring to you. Let's talk about them soon! As always, if this is a duplicate lead for your community and you choose to decline it, please inform me in writing within 5 business days.

### Lead Summary

**Name:** [Amy Smith](#), daughter  
**Resident:** Abby Smith (89yrs)  
**Home Phone:** (555) 555-5555

**Address:**

**E-mail Address:** [name@aplaceformom.com](mailto:name@aplaceformom.com)

**Desired Location:**  
Los Angeles, CA 90001

### Care Needs

**Bathing:**  
No assistance needed

**Diabetic Care:**  
Not Diabetic

**Mobility:**  
Independent

**Current Living Situation:**  
Home (lives alone)

**Medications:**  
Yes - they need help taking their medications

**Toileting:**  
No assistance needed

**Memory Issues:**  
Yes

**Diagnosed Memory Condition:**  
Not diagnosed

**Combative or Wandering:**  
No



## Budget

**Family Budget:**

\$4,000 - \$4,999 / month

**Financial Resources:**

- 401K
- Family willing to contribute
- Companion room interest

Amy is researching assisted living options for her mom. Mom is not ready to move, but they are planning ahead to when she can no longer live alone. Thanks!

Warm regards,



Linda Temple  
(866) 333-2268  
(503) 406-3564  
timl@anlaceformom.com

*This message was sent to Carla Chan at Villa Sorrento on 04/03/15 at 3:35 PM (EDT).  
This document contains limited summary information intended to assist with identifying appropriate senior housing and/or care services and was prepared by A Place for Mom for the individual identified above.  
This communication contains confidential information. If you have received it in error, please advise the sender and immediately discard the message and any attachments without copying or disclosing the contents. Thank you.*