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What Happens If I Do Not Pay the Nursing Home?

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Nonpayment of a nursing home can be an issue, especially during a period of Medicaid ineligibility created by gifting. The questions becomes “Who will pay the invoice for the nursing home during this period?”

An experienced Elder Law Attorney will be able to help prepare a client for this situation, even if that client is going into a nursing home imminently. Gifting and purchasing Medicaid Compliant Annuities will likely be part of the plan.

However, if the nursing home isn’t paid and the resident has no ability to pay, the nursing home may seek repayment from “a spouse, child or parent who has ‘sufficient financial ability’ to be responsible or maintain for assisting the resident to pay. **This is called the Pennsylvania Filial Support Law.**

The Pittas Case

The Pittas case involved a woman (Mrs. Pittas) who received medical care during a short nursing home stay. She never applied for medical assistance and did not otherwise pay the facility. She moved to Greece after being discharged. Eventually, the Pennsylvania Superior Court held her son (Mr. Pittas) responsible for the cost of his mother’s nursing home care because he had net income in excess of $85,000 and because he did not otherwise establish that he lacked sufficient financial ability to financially support her.

The opinion further states the nursing home does not need to consider other possible sources of income for the resident before proceeding against a relative for payment. The statute allows for joint and several liability which allows the nursing home to hold one or more relatives liable.

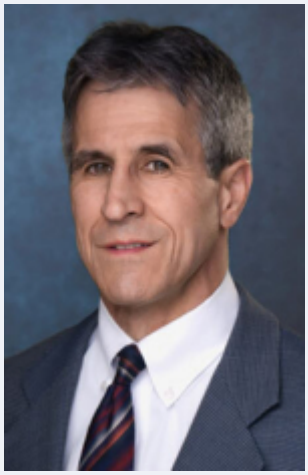
The meaning of “indigent” as used in the filial support statute “includes, but is not limited to, those who are completely destitute and helpless…” and that it “also encompasses those persons who have some limited means, but whose means are not sufficient to adequately provide for their maintenance and support.”

More on the Pittas case can be found in our detailed article: Demystifying Medicaid Planning or here: Another Benefit of Medicaid Qualification: PA Filial Support Law

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See also: What is Medicaid?, and How Do I Qualify for Medicaid?

If you have questions about Medicaid eligibility or have other Elder Law or Estate Planning concerns, please contact one of our Elder Law Attorneys or call 814-459-2800.



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