

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2252 Session of
2010

INTRODUCED BY GERGELY, BROWN, CALTAGIRONE, CARROLL, D. COSTA,
DALEY, GIBBONS, GOODMAN, GROVE, HALUSKA, HARKINS, HORNAMAN,
JOSEPHS, KULA, LONGIETTI, McILVAINE SMITH, MELIO, MURPHY,
MURT, PASHINSKI, PICKETT, PRESTON, READSHAW, SABATINA,
SAINATO, SIPTROTH, K. SMITH, STABACK, STERN, SWANGER AND
WHITE, FEBRUARY 9, 2010

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, FEBRUARY 9,
2010

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 repayment from probate estates.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1412(a) of the act of June 13, 1967
8 (P.L.31, No.21), known as the Public Welfare Code, amended June
9 30, 1995 (P.L.129, No.20), is amended to read:

10 Section 1412. Repayment from Probate Estates.--(a)
11 Notwithstanding any other provision of this act or any other
12 law, the department shall establish and implement an estate
13 recovery program to recover medical assistance paid with respect
14 to individuals who were fifty-five years of age or older at the
15 time that assistance was received. Under this program, the
16 department shall recover from the probate estate of an

1 individual the amount of medical assistance paid for all nursing
2 facility services, home-and community-based services and related
3 hospital and prescription drug services. [With the approval of
4 the Governor, the department may expand the estate recovery
5 program by regulation to include medical assistance for services
6 other than those listed in this section and to recover against
7 other real and personal property in which an individual had any
8 legal title or interest at the time of death.] The department's
9 claim shall have the priority of a debt due the Commonwealth.

10 * * *

11 Section 2. This act shall take effect in 60 days.