
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1905 Session of
2021

INTRODUCED BY BONNER, ROTHMAN, JAMES, MILLARD, BOBACK, RYAN,
DeLUCA AND B. MILLER, SEPTEMBER 27, 2021

REFERRED TO COMMITTEE ON HEALTH, SEPTEMBER 27, 2021

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," in departmental powers and
4 duties as to licensing, providing for notice of legal
5 representation for medical assistance.

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

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Human Services Code, is amended by adding a section to
10 read:

11 Section 1019. Notice of Legal Representation for Medical
12 Assistance.--(a) A residential health care or nursing home
13 facility operator shall provide a resident of the facility or a
14 designated representative, at the time of admission to the
15 facility, the following notice:

16 "YOU HAVE THE OPTION TO HIRE AN ATTORNEY TO ASSIST WITH
17 APPLYING FOR MEDICAL ASSISTANCE (MEDICAID) LONG-TERM CARE
18 BENEFITS:

19 Relying on a nonlegal service might expose you and your

1 family to unnecessary financial risk. There are nonlegal
2 agencies and companies, including affiliates of hospitals
3 and nursing homes, which may offer to prepare and submit
4 a Medicaid application for free or a fee. These entities
5 are not permitted to give legal advice or implement legal
6 strategies that may best protect your interests, and they
7 are not obligated to advise you of your rights. Moreover,
8 these entities may have conflicts of interest.
9 Pennsylvania does not mandate that a Medicaid applicant
10 obtain the assistance of an attorney when completing a
11 Medicaid application. You may, however, seek the
12 assistance of an attorney who is knowledgeable about
13 elder law and Medicaid eligibility rules."

14 (b) The notice under subsection (a) shall be legible and
15 clear to allow a resident of a residential health care or
16 nursing home facility or a designated representative to easily
17 read the notice. The resident of the facility or a designated
18 representative shall acknowledge receipt of the notice under
19 subsection (a) by signing at the bottom of the notice. The
20 facility operator shall provide the notice under subsection (a)
21 to the resident of the facility or a designated representative
22 in a manner detached from a resident agreement. The facility
23 operator shall prominently display the notice under subsection
24 (a) in the office and admission area of the facility and shall
25 make a copy of the notice available at the same time and in the
26 same manner as a resident agreement.

27 (c) As used in this section, the term "designated
28 representative" means the guardian, agent under power of
29 attorney or other responsible party for a resident of a
30 residential health care or nursing home facility identified in a

1 resident agreement.

2 Section 2. This act shall take effect immediately.