

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) An assisted living residence administrator
13 shall provide a resident of an assisted living residence or a
14 designated representative, at the time of admission to the
15 assisted living residence, 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 an assisted living residence or a
16 designated representative to easily read the notice. The
17 resident of the assisted living residence 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 assisted living residence administrator shall provide the notice
21 under subsection (a) to the resident of the assisted living
22 residence or a designated representative in a manner detached
23 from a resident agreement. The assisted living residence
24 administrator shall prominently display the notice under
25 subsection (a) in the office and admission area of the assisted
26 living residence and shall make a copy of the notice available
27 at the same time and in the same manner as a resident agreement.

28 (c) As used in this section, the term "designated
29 representative" means the guardian, agent under power of
30 attorney or other responsible party for a resident of an

1 assisted living residence identified in a resident agreement.

2 Section 2. This act shall take effect immediately.