

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1693 Session of 2021

INTRODUCED BY BONNER, ROTHMAN, JAMES, MILLARD, BOBACK, RYAN, DeLUCA, B. MILLER, ZIMMERMAN AND TWARDZIK, JUNE 24, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 13, 2022

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 long-term care nursing facility operator
13 shall provide a resident of the facility or a designated
14 representative, at the time of admission to the facility, the
15 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 long-term care nursing facilities, which may offer to
4 prepare and submit a Medicaid application for free or a
5 fee. These entities are not permitted to give legal
6 advice or implement legal strategies that may best
7 protect your interests, and they are not obligated to
8 advise you of your rights. Moreover, these entities may
9 have conflicts of interest. Pennsylvania does not mandate
10 that a Medicaid applicant obtain the assistance of an
11 attorney when completing a Medicaid application. You may,
12 however, seek the assistance of an attorney who is
13 knowledgeable about elder law and Medicaid eligibility
14 rules. YOU MAY CONTACT YOUR COUNTY BAR ASSOCIATION'S <--
15 LAWYER REFERRAL SERVICE OR THE PENNSYLVANIA LEGAL AID
16 NETWORK TO DETERMINE IF YOU ARE ELIGIBLE FOR FREE LEGAL
17 ASSISTANCE PROVIDED FOR LOW-INCOME INDIVIDUALS."

18 (b) The notice under subsection (a) shall be legible and
19 clear in a language or format to allow a resident of a long-term
20 care nursing facility or a designated representative to easily
21 read and understand the notice. The resident of the facility or
22 a designated representative shall acknowledge receipt of the
23 notice under subsection (a) by signing at the bottom of the
24 notice. The facility operator shall provide the notice under
25 subsection (a) to the resident of the facility or a designated
26 representative in a manner detached from a resident agreement.
27 The facility operator shall prominently display the notice under
28 subsection (a) in the office and admission area of the facility
29 and shall make a copy of the notice available at the same time
30 and in the same manner as a resident agreement. The department

1 shall post the notice under subsection (a) on its publicly
2 accessible Internet website in multiple languages or formats
3 that it deems necessary to ensure that residents are able to
4 read and understand the notice. A long-term care nursing
5 facility may use the form developed by the department or use its
6 own form, provided that the requirements of subsection (a) are
7 met.

8 (c) As used in this section, the term "designated
9 representative" means the guardian, agent under power of
10 attorney or other responsible party for a resident of a long-
11 term care nursing facility identified in a resident agreement.

12 Section 2. This act shall take effect immediately.