

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 901 Session of 2011

INTRODUCED BY WARD, PILEGGI, BAKER, ERICKSON, WAUGH, MENSCH,  
SOLOBAY, FONTANA, RAFFERTY, COSTA, BREWSTER AND WASHINGTON,  
MARCH 28, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 28, 2011

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  
17 individual the amount of medical assistance paid for all nursing  
18 facility services, home-and community-based services and related

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

8 \* \* \*

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