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Your parent's nursing home bill may soon be your responsibility

The Pennsylvania Supreme Court has declined to review lower court decisions in *HCRA v. Pittas*. As a result, adult children with an ill parent or parents should be aware that they can be successfully sued in Pennsylvania for the parent's nursing home bill. This is true even if the child or children did not transfer assets from the parent for their own enrichment, or even if there are other family members available. The decisions were based upon interpretation of the so called "filial support" laws in Pennsylvania.

John Pittas' mother entered a nursing home for rehabilitation after an automobile accident. She then moved to Greece with family, leaving a nearly \$93,000 nursing home bill unpaid. There was no evidence presented that Mr. Pittas took any of his mother's money for himself. The Superior Court rejected Mr. Pittas' arguments that the courts should have considered alternate forms of payment, such as his mother's husband, her two other adult children, or Medicaid.

The Pennsylvania filial support law states that adult children are financially responsible for their indigent parents; however, the word "indigent" is not defined. In this interpretation the Court found that since Mr. Pittas' mother did not have sufficient income to pay the nursing home bill she was considered indigent; however, other financial sources to pay the bill appear to have been ignored. Jeffrey Marshall, CELA recently wrote a blog with a summary of the case and his interpretation of the result of the failure of the Supreme Court to hear Mr. Pittas' appeal (<http://marshallelder.blogspot.com/2013/03/son-must-pay-mothers-nursing-home-bill.html>). Attorney Marshall points out that many states have similar filial support laws, but are not utilized to the extent that they are in Pennsylvania. Moreover, Pennsylvania's law specifically authorizes providers of care to bring suit against adult children.

Marshall reports on bills introduced in the Pennsylvania Senate and House to repeal the filial support law as it now stands. Both bills, however, were introduced by Democrats in a Republican controlled legislature. Marshall remarks, "Holding children liable for the costs of their parents' care is an undoubtedly controversial approach to dealing with our nation's long term care financing crisis. It will be interesting to see how the Pennsylvania legislature deals with this issue." It appears that the legislature will be the only avenue to correct the current situation, which is that adult children are 100 percent liable for their parent's nursing home bill if a facility or other entity decides to pursue payment.

For an excellent summary of the implications of the *Pittas* decision, consider watching Penn State Dickinson School of Law Professor Katherine Pearson's four minute video at <http://www.youtube.com/watch?v=cD-vLRK3vmc&feature=youtube>. Professor Pearson is an authority on PA filial support laws.

Adults with parents that may incur significant care costs should follow this situation closely, and consider contacting your Pennsylvania legislators to encourage remediation of these recent decisions in *Pittas*.