



Carolyn Rosenblatt Contributor

I write about healthy aging, and dealing with aging loved ones.

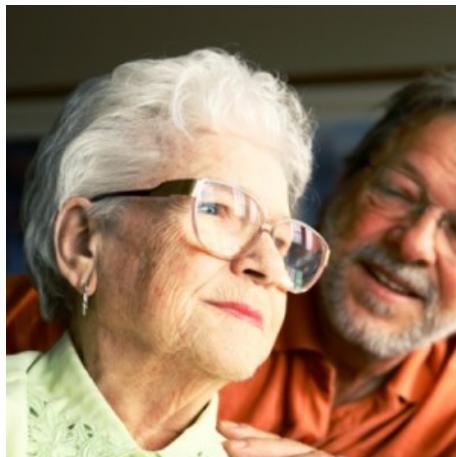
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Son Hit With Aging Parent's \$93K Nursing Home Bill

Could this happen to you?

John Pittas' mother entered a nursing home for rehabilitation following a car crash. After she left the nursing home, she moved out of the country.



His mother's \$93,000 bill at the home was left unpaid. The mom had applied for Medicaid, which would normally pay the bill if she couldn't.

The mom's Medicaid application did not get approved in enough time to satisfy the nursing home, and it sued her son for the bill. The state of Pennsylvania, like 29 others in our country, has something called a "filial responsibility law". Those laws require that spouses, children and even parents of needy adults support the indigent. These laws were rarely ever enforced. The nursing home decided to enforce it rather than have Medicaid do what it was designed to do.

The trial court found for the nursing home. Mr. Pittas appealed. He argued that the court should have considered Medicaid or going after his mother's husband and her two other adult children. Astonishingly, the appeals court not

only agreed that the nursing home didn't have to wait until the Medicaid claim was resolved, it also found that the nursing home could choose any family member it wanted to when seeking payment for the bill.

There is an adage in the law: You can't legislate morality. However that is exactly what the Pennsylvania courts in the Pittas case did. If a son or daughter has the money and wants to pay for mom or dad's care, that's an upright choice. But what if they choose not to pay? What if they have their own expenses, kids in college or a retirement they want to fund? Since when is it okay to unfairly discriminate against a financially successful family member? Mr. Pittas's tax returns, bank statements, and other personal data are now presumably public record.

Here's the unspoken part of the picture that really rankles. Some parents worked hard all their lives and never made enough money to pay for expensive things like nursing home care. I can't justify any court making their kids pay.

A quarter of adult children, mostly baby boomers are already providing personal care or financial assistance to aging parents, according to the the Met Life Mature Market 2011 study of the Caregiving Costs to Working Caregivers. These boomers are already out nearly \$3 trillion in lost wages, pension, and Social [Security](#) benefits for themselves. Now some states want to saddle these same adult children with the nursing home bill too??

The pressure is on in all states to deal with the explosive costs of Medicaid programs. States are not in trouble because of unnecessary spending for indigent sick folks. They are in trouble because people are living longer, and having more health care needs as a result of longevity. Our aging persons who are in nursing homes for any length of time typically can't pay the cost of being there. The solution is not to force the high cost of care onto their children. Historically, taxpayers have borne the burden of helping our indigent pay for care. I can't see any other choice, unless you think it's okay to throw the sick and needy out into the streets.

Yes, it takes taxpayer money to fund Medicaid and cover Mr. Pittas' mother's nursing home stay. So be it. She was living on an income of

\$1000 a month.

What are the takeaways here?

First, if your parent is low income, see an elder law attorney who has expertise in Medicaid in your parents' state and get the application going now if they qualify.

Next, if there was ever an argument for buying long term care insurance, a state's "filial responsibility" law is it. If your parents are young enough and healthy enough to be insurable, get them to buy it or buy it for them. [/entity]

If you aren't sure about what your responsibility is or may be for your aging parents, [get competent advice](#) before any more time passes.

Until next time,

Carolyn Rosenblatt

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