

AM I RESPONSIBLE FOR MY MOTHER'S (OR FATHER'S) UNPAID MEDICAL BILLS?

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Under Pennsylvania law (and some other states as well) you might just be!

Most people think that they are not responsible to pay for medical care provided to a parent as long as they have not signed anything obligating them to pay. That is not always the case.

In 2005, Pennsylvania passed a law often referred to as the Filial Responsibility Law. Under the law, in certain situations, a child can be held responsible for care (such as nursing home costs) provided to a parent. Lawsuits filed by nursing homes and other healthcare providers against adult children for the unpaid cost of care provided to a parent are becoming more common in Pennsylvania and, therefore, interest in the law is growing.

According to the law a spouse, parent or child of an "indigent" person has the responsibility to "care for and maintain or financially assist" the indigent person. There are only two exceptions to this requirement. They are 1) if the person does not have the financial ability to support the indigent person and 2) a child is not required to support a parent if that parent abandoned the child for ten years when the child was a minor.

The term "indigent" is not defined in the statute and, therefore, the court must determine the meaning. Often the court will look to the common law definition (a definition developed in case law over the years). The definition of indigent is surprisingly general. It simply means people that do not have "sufficient means to pay for their own care and maintenance."

The statute sets the maximum liability for medical care for an indigent spouse, child or parent for any 12 month period at the lesser 1) six times the amount by which the liable person's monthly income exceeds the amount required to support the liable person and any dependents or 2) the cost of the medical assistance.

Applying this exception works as follows:

Indigent mother has \$25,000 in unpaid medical bills

Son makes \$5,000 a month and on average spends \$4000 a month to support himself, his wife and their 3 children. Resulting in an excess of \$1,000.

Son would be liable for $6 \times \$1,000 = \$6,000$ of the \$25,000 in medical bills.

In a case recently decided, the Superior Court of Pennsylvania affirmed a \$93,000 judgment awarded to the owner of a nursing home against a son for the outstanding bill of his mother.

There have also been cases brought by nursing homes against elderly parents for the outstanding bills of their adult child.

As a result of the increasing number of cases being brought by health care providers under the law and the possible significant impact of the law, all Pennsylvania residents should be aware of the law.