

# Pennsylvania Association of Elder Law Attorneys

*A State Chapter of the National Academy of Elder Law Attorneys*

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June 8, 2009

## **Re: Opposition to Expanding Estate Recovery - Section 1412 of House Bill 1351**

Dear Representative :

On behalf of the Pennsylvania Association of Elder Law Attorneys (PAELA), I am writing to urge you to oppose expanding estate recovery as proposed in Section 1412 of HB 1351. As elder law attorneys, the members of PAELA have a first-hand view of the personal problems and dilemmas faced daily by the spouses of frail and vulnerable seniors. The proposed expansion of estate recovery will add to the burdens on these caregivers and attack their already limited financial security. This proposed legislation represents bad law and bad public policy.

If enacted as written, Section 1412 of HB 1351 will have a devastating effect on care giving spouses of Medicaid home care and nursing facility recipients. Under Section 1412 they will suddenly face the threat of losing their family home or farm to repay Medicaid for services rendered to their ill spouse.

This legislation represents a giant step backward in Public Welfare law. It will return us to the pre-1994 era of welfare liens. The Legislature wisely forbid such liens not only because of their affect on families but because they resulted in the deterioration of homes and entire neighborhoods.

Expansion of estate recovery will also lead to title and real property problems and fundamentally alter long-settled concepts of Pennsylvania's real property and estate laws. The result will be costly delay and complication for settlement of life insurance policies, annuities, trusts, and probate estates, as well as real estate transactions. These complications will apply when anyone over age 55 dies, whether or not they received Medicaid.

I am enclosing a policy statement which thoroughly outlines the significant problems with this proposal. **PAELA urges you to strongly oppose expansion of estate recovery and specifically Section 1412 of HB 1351.**

I would welcome an opportunity to talk with you in more detail about the devastating effects of this proposal. Thank you for your interest in the concerns of the elderly residents of Pennsylvania.

Sincerely,

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