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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 348 Session of  
2025

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INTRODUCED BY BONNER, COOPER, HADDOCK, KUZMA, DELLOSO, GAYDOS,  
TWARDZIK AND ZIMMERMAN, JANUARY 27, 2025

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 27, 2025

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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," in departmental powers and  
4 duties as to licensing, providing for notice of legal  
5 representation for medical assistance.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
9 as the Human Services Code, is amended by adding a section to  
10 read:

11 Section 1019. Notice of Legal Representation for Medical  
12 Assistance.--(a) A long-term care nursing facility operator  
13 shall provide a resident of the facility or a designated  
14 representative, at the time of admission to the facility, the  
15 following notice:

16 YOU HAVE THE OPTION TO HIRE AN ATTORNEY TO ASSIST WITH  
17 APPLYING FOR MEDICAL ASSISTANCE (MEDICAID) LONG-TERM CARE  
18 BENEFITS:  
19 Relying on a nonlegal service might expose you and your

1 family to unnecessary financial risk. There are nonlegal  
2 agencies and companies, including affiliates of hospitals  
3 and long-term care nursing facilities, which may offer to  
4 prepare and submit a Medicaid application for free or a  
5 fee. These entities are not permitted to give legal  
6 advice or implement legal strategies that may best  
7 protect your interests, and they are not obligated to  
8 advise you of your rights. Moreover, these entities may  
9 have conflicts of interest. Pennsylvania does not mandate  
10 that a Medicaid applicant obtain the assistance of an  
11 attorney when completing a Medicaid application. You may,  
12 however, seek the assistance of an attorney who is  
13 knowledgeable about elder law and Medicaid eligibility  
14 rules. You may contact your county bar association's  
15 lawyer referral service or the Pennsylvania Legal Aid  
16 Network to determine if you are eligible for free legal  
17 assistance provided for low-income individuals.

18 (b) The following provisions shall apply to the notice under  
19 subsection (a):

20 (1) The notice shall be legible and clear in a language or  
21 format to allow a resident of a long-term care nursing facility  
22 or a designated representative to easily read and understand the  
23 notice. The resident of the facility or a designated  
24 representative shall acknowledge receipt of the notice by  
25 signing at the bottom of the notice.

26 (2) The facility operator shall provide the notice to the  
27 resident of the facility or a designated representative in a  
28 manner detached from a resident agreement.

29 (3) The facility operator shall prominently display the  
30 notice in the office and admission area of the facility and

1 shall make a copy of the notice available at the same time and  
2 in the same manner as a resident agreement.

3 (4) The department shall post the notice on the department's  
4 publicly accessible Internet website in multiple languages or  
5 formats that it deems necessary to ensure that residents are  
6 able to read and understand the notice.

7 (5) A long-term care nursing facility may use the notice  
8 posted under paragraph (4) or use its own form, provided that  
9 the requirements of subsection (a) are met.

10 (c) As used in this section, the term "designated  
11 representative" means the guardian, agent under power of  
12 attorney or other responsible party for a resident of a long-  
13 term care nursing facility identified in a resident agreement.

14 Section 2. This act shall take effect immediately.