

Can an adult be held responsible for a parent's nursing home costs?

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Can an adult be held responsible for a parent's medical bills? In Pennsylvania, the answer is yes, according to a dramatic new ruling by the Pennsylvania Superior Court explained by elder law expert Katherine Pearson at Penn State Law in this recent interview.

“Pennsylvania’s law obligating certain family members to care for and maintain or financially assist indigent family members is now a high-profile matter in Pennsylvania,” she said. The case is Health Care & Retirement Corporation of America v. Pittas, decided on May 7, 2012. In that case, a nursing home obtained a judgment against an adult son for the cost of his mother’s nursing home care. What makes this case unique in Pennsylvania, said Pearson, is that “it is the first time substantial dollars have been awarded against an adult son to support his mother who is in a nursing home -- almost \$93,000. It’s a game-changer in terms of the dollars and cents that we are talking about in terms of filial support.”

The average cost of a private room in a Pennsylvania nursing home is \$96,725 per year, according to the 2011 Genworth Financial Cost of Care Survey. Pearson noted that the funds awarded in the Pittas case would not go to the mother -- they would go to the nursing home. “The plaintiff in this case was the nursing home,” she said.

Pearson explained that child support and spousal support figures in Pennsylvania are established by statutory guidelines that people can learn in advance. However, Pearson explained, no such guidelines exist for

adults involved in filial support litigation in Pennsylvania. The consequences for families of the filial support statute “can be huge,” she said.

Pearson is a scholar of legal issues facing older adults. She is an affiliated faculty member of the John A. Hartford Center of Geriatric Nursing Excellence at Penn State University. A 2009-10 Fulbright scholar, Pearson was the Petersen Visiting Scholar in Gerontology and Family Studies at Oregon State University and a scholar in residence at Queen's University Belfast in Northern Ireland, where she conducted interdisciplinary research on policies related to protection and care for older adults.

Provided by Pennsylvania State University

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