

Letter to the New York Times Editor regarding Nursing Homes Debt Collection Article

FEATURED ATTORNEY



Nancy Levitin

Partner

Nancy Levitin, Partner and the Director of our Health Care Reimbursement and Recovery Practice, recently submitted the following Letter to the Editor in response to the New York Times Article, “To Collect Debts, Nursing Home Are Seizing Control Over Patients” **N.Y. / Region section (January 26, 2015)**

There is another perspective to the discussion of nursing homes and guardianships. Nursing homes need to be paid, but residents also need to be able to pay for necessary medical care.

The article referenced a 2007 guardianship case that I personally was involved with. When we filed that proceeding, our nursing home client was owed money; however, the resident was also at risk. Her power of attorney was being unresponsive, and she was in danger of being discharged for non-payment. We brought the situation to the court’s attention.

By the time of the hearing, the power of attorney had made a payment and applied for Medicaid. Would this have happened without the guardianship? I don’t know, but I do know that once the resident’s interests were being protected, the guardianship was properly dismissed.

Since nursing homes are on the front lines of caring for people with compromised capacity, they should be able to file guardianship petitions. This remains true even if a consequence of the guardianship is that a nursing home gets paid for services rendered.