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New Jersey Elder Lawyer

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CAN A SKILLED NURSING FACILITY REQUIRE A FAMILY MEMBER TO SIGN A "RESPONSIBLE PARTY" AGREEMENT?

NJ Long Term Care Planning

The Nursing Home Reform Law prohibits a nursing facility from requiring a third-party guarantee of payment as a condition of admission or continued stay.

Despite this, there are some family members who genuinely want to pledge "good faith monies" on behalf of their loved ones. The rationale behind this is that the family member wants their loved one to get "their foot in the door" of the ideal facility which meets the ill individual's needs.

Our office often counsels families, in certain situations, to restore certain funds which will once again be registered into the loved one's name. These funds will act as "key money" in order that the family finds the ideal facility which meets the loved one's emotional, physical, and spiritual needs.

It should be noted that the family must do this of their own accord. If a skilled nursing facility even remotely suggests this strategy, it can be construed to be a violation of Federal law.

James E. De Martino is licensed to practice in the State of New Jersey.

Our practice is limited to estate planning, long-term care planning, and NJ Medicaid asset protection.

Elder Law and NJ Estate Planning Strategies

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