

Attorney Timothy P. Crawford, CPA, CELA\*, CAP\*\*  
wants to share this information with you.

## Can A Family Member Be Forced to Take On Financial Responsibility For A Nursing Home Resident?

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When helping your loved one enter a nursing home, you may hear something like:  
“We can’t admit your mom until you agree to sign as responsible party.”

Don’t believe it.

You should be aware the Nursing Home Reform Law prohibits a nursing home from requiring a family member or a friend to become financially liable for nursing home costs. (See Section 483.12(d)(2) of Title 42 of the Code of Federal Regulations). As a result, the signature of a family member (or friend) may be required only if they are signing on the resident’s behalf, which is common when you are signing as a named agent under the resident’s power of attorney.

This law makes perfect sense. Nursing homes are already financially protected because if a resident runs out of money the government will pay the nursing home facility. And, this isn’t a situation like when a family member co-signs on a loan for a vehicle, and they are liable for a specified loan amount of, say, \$15,000. A family member who becomes liable for long-term care costs could be liable for \$1,500 or \$150,000, or more, depending on the length of stay of the nursing home resident.

As you might imagine, some nursing homes try to get around this law. Some nursing homes use “Responsible Party” signature blocks as a ploy to get family or friends to believe they are financially liable. The family member or friend then signs the contract, usually thinking “Responsible Party” simply means the person the nursing homes will contact with questions about mom. What they don’t realize is that buried in the middle of the contract “Responsible Party” means financial liability for whomever signed.

Nursing homes maintain that “Responsible Party” provisions are not prohibited under the Nursing Home Reform Law because the responsible party is actually *volunteering* to be financially liable. The nursing homes are wrong. “Responsible Party” provisions are illegal and unenforceable.

If your loved one is already in a nursing home, and now you are being asked to sign as “Responsible Party”, be aware that the nursing home resident cannot be evicted for your failure to sign that document. If your loved one is not yet in a nursing home, then the situation is trickier. If that is the case then you should politely refuse and explain to the nursing home why “Responsible Party” provisions are illegal and unenforceable. The nursing home will probably allow admission at that point, but if they do not, it is generally not worth it to sign the agreement. It is better to find a different nursing home.

**“Those Who Plan Ahead Win.  
Those Who Don’t Plan Ahead Lose.”**

This article is for informational purpose only and is not intended as legal advice. It is recommended that you call Timothy P. Crawford for a free conference to discuss your situation in more detail. Attorney Crawford can be reached at 1-262-634-6659. Please refer to this article when you call.

\*Attorney Timothy P. Crawford is a Nationally Board Certified Elder Law Attorney (**CELA**). He has been Board Certified by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

\*\*Timothy P. Crawford was invited to join the Council of Advanced Practitioners (**CAP**) of the National Academy of Elder Law Attorneys (**NAELA**) in August of 2005. **CAP** is a small group of premier elder law attorneys, all of whom have been members of NAELA for at least 10 years, are certified as elder law attorneys by the National Elder Law Foundation, and are AV rated by Martindale Hubbell, a service that provides an independent rating of the quality of attorneys, as one of the top attorneys in the nation.

Attorney Timothy P. Crawford has been selected as a **Fellow** of NAELA. **Fellow** is the highest honor bestowed by the Academy. Selection as a **Fellow** signifies that his peers recognize the lawyer as a model for others and as an exceptional lawyer and leader.

Attorney Timothy P. Crawford has a superb rating of 10 out of 10 with A V V O.

A V V O has awarded to Attorney Timothy P. Crawford the A V V O Client’s Choice Award.

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to Protect Their Assets from Nursing Home Care Costs"**

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