

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart G. RESTITUTION AND REIMBURSEMENT

CHAPTER 258. MEDICAL ASSISTANCE ESTATE RECOVERY

§ 258.11. Unadministered estates.

(a) The Department will provide information regarding unadministered estates to the probate and estate section of local county bar associations so that those estates can be administered by willing attorneys under the sponsorship of the bar association as a public service and under the authority of 20 Pa.C.S. § 3155(b)(5) (relating to persons entitled). When appropriate, the Department will authorize a member of this local county bar association to obtain letters of administration on the Department's behalf under 20 Pa.C.S. § 3155(b)(4). A reasonable administrator's commission and attorney's fee may be charged to the estate as expenses of administration, but may not exceed a combined fee of \$1,000, or 6% of the gross assets of the estate, whichever is greater.

(b) The Department may cause one of its employees to administer an estate if no administrator has been appointed and assets may exist to pay the Department's claim.

(c) The Department's Office of Legal Counsel may provide legal services to an estate if a Departmental employee has been designated to administer the estate. Alternatively, the administrator may employ private counsel.

(d) The Department will charge the estate a reasonable administrator's commission and attorney's fee as expenses of administration not to exceed a combined fee of \$1,000, or 6% of the gross assets of the estate, whichever is greater, if administrative or attorney services are provided to the estate by Commonwealth employees.