



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

To: Adult Care Facility Administrators
From: NYS Department of Health Division of Adult Care Facilities & Assisted Living
Date: June 12, 2020
Re: COVID-19 Economic Impact Payments

Economic Impact Payments (EIP) of up to \$1200 per adult have been or will be made to Social Security Retirement, Social Security Income (SSI), Social Security Disability, and Railroad Retirement recipients who are not otherwise required to file a tax return. The Internal Revenue Service (IRS) intends to or has sent a letter about the EIP to the recipient's last known address within 15 days after the payment is made. The letter will provide information on how the payment was made and how to report any failure to receive the payment.

The EIP belongs to the Social Security or SSI beneficiary. It is not a Social Security or SSI benefit. The EIP funds are excluded as countable income and countable resources for Medicaid eligibility for up to 12 months. Unlike other excluded income, the stimulus payments will not be added to the individual's monthly cost share. EIP funds remaining after 12 months will become a countable resource. County Departments of Social Services (HRA in New York City) will ensure that these funds are handled properly when eligibility is renewed.

Because a resident's EIP will flow to an Adult Care Facility (ACF) acting as a resident's representative payee but belongs to the resident, the ACF will need to notify the resident/authorized representative/power of attorney (POA) that the stimulus payment has been received. ACF's that act as the representative payee for their residents who receive EIP payments cannot retain these funds for any reason. ACF's cannot use EIP funds to cover arrearages, absent a court-issued money judgment or the resident's written authorization to use EIP funds to cover arrearages as to which the ACF previously provided written notification to the resident.

The ACF shall discuss possible methods of disbursement directly with resident/representative, and promptly make residents' stimulus payments available to access and spend. If the resident does not have an authorized representative/POA and the ACF feels the resident lacks capacity to manage their funds, the ACF should discuss with the resident depositing the funds into the resident's personal needs account at the ACF (if such an account exists), to be spent over the next 12 months. If the resident and the ACF agree to deposit the funds into the resident's personal needs account, the resident must be given the access to these funds to spend it as the resident chooses for his or her sole benefit.

Department regulations direct that ACF residents have the right to manage their own financial affairs (18 NYCRR §§ 487.5, 488.5). If the ACF accepts the resident's impact payment for safekeeping, the ACF must adhere to Department regulations regarding storing resident funds and valuables, including access to such funds and valuables, as set forth in 18 NYCRR § 487.6 (adult homes) and § 488.6 (enriched housing).

As part of an ACF's case management responsibilities, staff of the ACF must assist residents in applying for income entitlements (18 NYCRR §§ 487.7(g), 488.7(e)). As part of an ACF's responsibilities, the Department recommends that ACF staff assist residents in contacting the IRS at the phone number provided below if they did not receive, or have questions regarding, their economic impact payments. Be advised when calling the IRS individuals may be asked to verify

their identity by providing information including, but not limited to their name, date of birth, and social security number.

IRS Contact

[800-829-1040](tel:800-829-1040)

Monday through Friday 7 a.m. to 7 p.m. local time

Callers who are hearing impaired

TTY/TDD [800-829-4059](tel:800-829-4059)