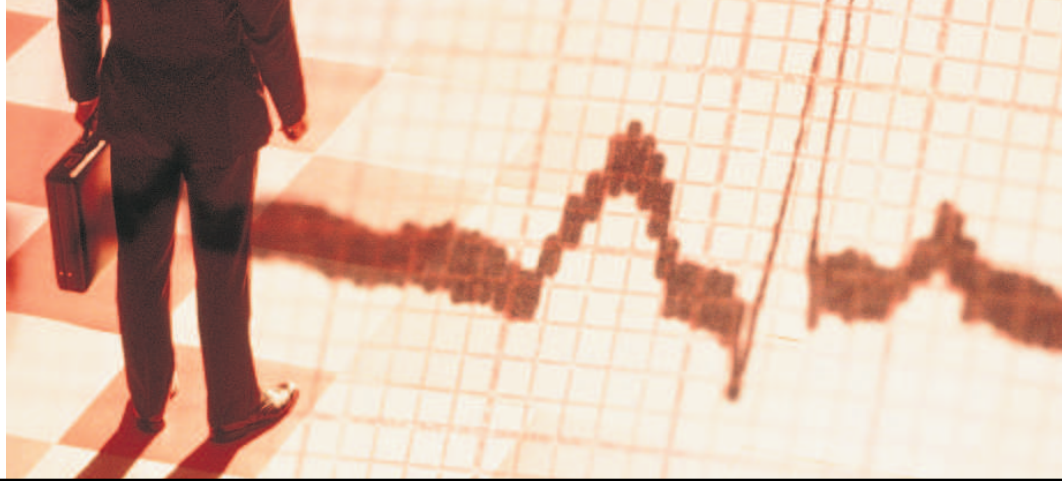


May 2009



Health Care Bulletin

CMS INSTRUCTS SURVEYORS REGARDING RESIDENTS' ONE-TIME BENEFIT PAYMENTS

On May 15, 2009, the Centers for Medicare and Medicaid Services (CMS) released S&C-09-38, which directs state survey and certification agencies to issue citations to facilities that mishandle the one-time stimulus benefits that many nursing home residents will receive beginning this month. The government has mandated that these benefit checks are for the resident's personal use, and the facility may not use the funds toward payment for the cost of the resident's care. CMS has directed surveyors to investigate complaints regarding the use of these funds under F tags related to mismanagement and misappropriation of residents' funds (F158-F162 and F224).

Beginning this month, individuals who received Social Security benefits, Railroad Retirement pensions, Veterans Administration disability pensions, and Supplemental Security Income (SSI) during the months of November 2008 through January 2009 will receive a one-time cash benefit of \$250. Some individuals who receive reduced SSI benefits are ineligible for the cash benefit. Eligible individuals will receive their benefit checks by June 4, 2009.

Individuals will receive their benefit checks in the same manner that they receive their usual benefit checks. Therefore, facilities that serve as representative payees for their residents will receive the benefit checks on behalf of the residents. However, the facility may not use the benefit check toward payment of the resident's cost of care. Rather, the facility is required to set the benefit check aside in the resident's personal needs account, and the resident is permitted to save or spend the money as he or she chooses. The benefit checks will not be counted as a resource for determining Medicaid eligibility until March 2010, but residents who still have this money at that time will become ineligible for Medicaid if the benefit check causes them to exceed the resource limit.

Additional Information

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As a reminder, this Advisory is being sent to draw your attention to issues and is not to replace legal counseling.

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