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Fact Sheet: Stimulus Payments for Adult Care Facility (ACF) Residents

On March 11, 2021, Congress announced a third round* of economic impact payments (also called stimulus checks or IRS payments) up to the amount of \$1,400. A stimulus payment is a payment issued by the government to every eligible citizen for the purpose of stimulating the economy. The IRS is in charge of sending stimulus payments to eligible individuals. Most nursing home residents will be eligible to receive the full payment of \$1,400. Here's what residents, their family, and advocates need to know.

**Congress announced a first round of economic impact payments on March 27, 2020 in the amount of \$1,200 and a second round of economic impact payments on December 20, 2020 in the amount of \$600.*

How will residents get their stimulus payment?

Most residents will get their payment automatically. Residents who receive Social Security, Supplemental Security Income (SSI), and Railroad Retiree or Veteran Benefits will receive their payment in the same account where they receive their benefits. Residents who do not receive these benefits will have their payment sent directly to their bank account if they filed their 2019 or 2020 tax return with direct deposit and otherwise will receive a check or debit card in the mail to their address on file with IRS. If an individual receives their benefits on a Direct Express card, they should get their third payment directly on their Direct Express card.¹ If a resident or representative is unsure of where their payment was sent, they may visit "<http://www.irs.gov/coronavirus/get-my-payment>" to track their payment and/or ask their facility if a check was received.

¹ Third Round of Economic Impact Payments for \$1,400 Being Sent, *National Center on Law & Elder Rights*, <https://ncler.salsalabs.org/thirdstimuluspayment?eType=EmailBlastContent&eld=aad9bfe5-21ec-4ee3-bfe3-6c342dd42012>

What if you did not receive your first or second stimulus payment?

If you did not receive the first or second stimulus payment, you can still claim the payment by filing a 2020 tax return. The IRS has extended the deadline for filing a federal 2020 tax return until May 17, 2021.²

Can an ACF take a resident's payment?

No. The payment is for the resident and not the facility to spend. ACFs are prohibited from using these funds towards resident debts. ACFs may not be aware that this is prohibited and may improperly intercept the payment. The payment belongs to residents and facilities must make it available to them to spend as they see fit. During the first round of stimulus payments the New York State Department of Health released guidance stating that payments belong to the resident and cannot be used by the facility without the written consent of the resident.³

Residents who are considering allowing their facility to use or manage their payment can contact our office with questions at the number listed below. If your facility is unaware of this requirement, you may wish to direct them to this guidance available online at:

https://www.health.ny.gov/facilities/adult_care/dear_administrator_letters/docs/2020-06-12_covid-19_economic_impact_payments.pdf

Does the stimulus payment impact Medicaid eligibility?

No. The payment does not count as income towards government benefits including Medicaid, SSI, and other means tested programs for the first 12 months. However, if the funds are not spent within 12 months, the funds may be counted as an asset (resource) which could impact eligibility.⁴

² Third Round of Economic Impact Payments for \$1,400 Being Sent, *National Center on Law & Elder Rights*, <https://ncler.salsalabs.org/thirdstimuluspayment?eType=EmailBlastContent&eld=aad9bfe5-21ec-4ee3-bfe3-6c342dd42012>

³ COVID-19 Economic Impact Payments, NYS Department of Health, (June 12, 2020), https://www.health.ny.gov/facilities/adult_care/dear_administrator_letters/docs/2020-06-12_covid-19_economic_impact_payments.pdf

⁴ Third Round of Economic Impact Payments for \$1,400 Being Sent, *National Center on Law & Elder Rights*, <https://ncler.salsalabs.org/thirdstimuluspayment?eType=EmailBlastContent&eld=aad9bfe5-21ec-4ee3-bfe3-6c342dd42012>

What can the stimulus payment be used for?

There are no limitations on what the funds can be used for and residents should spend them as they see fit. Examples of what residents may want to buy include: a cellphone or telephone in their room, television or other electronic devices, personal internet access, clothing, books, etc. However, we do caution that residents may be at risk for financial exploitation and other forms of abuse. Additionally, residents may want to avoid spending the payment on items that would count as a resource and potentially impact their Medicaid eligibility (e.g. collectible coins).

What should a resident do if their ACF took their stimulus payment?

The resident should show the Operator of the facility the [Federal Trade Commission's blog](#) and demand that the stimulus payment be placed in the individual's personal needs account.⁵

If the Operator does not return the funds to the resident, contact:

The Long Term Care Ombudsman Program (LTCOP): LTCOP is an advocate and resource for nursing home and adult care facility residents. An ombudsman can advocate for you to have your payment returned. Residents in Western New York can contact the program by calling (716) 817-9222 (opt. 1 or 2). All other residents can find their local program at the following website:
<https://aging.ny.gov/long-term-care-ombudsman-program>

The New York State Attorney General: The NYS Attorney General Consumer Frauds Unit is investigating complaints pertaining to ACFs who have taken a residents stimulus payments or tried to. If your ACF took your stimulus payment or tried to, you can file a complaint by calling the hotline at 800-771-7755 or online at
<https://formsnym.ag.ny.gov/OAGOnlineSubmissionForm/faces/OAGCFCHome>.

The New York State Department of Health (NYSDOH): The NYSDOH is responsible for inspecting ACFs in the state and ensuring compliance with all

⁵ Nursing Homes and Assisted Living Facilities: Hands Off Residents' Stimulus Checks, *Federal Trade Commission*, (May 15, 2020), <https://www.ftc.gov/news-events/blogs/business-blog/2020/05/nursing-homes-assisted-living-facilities-hands-residents>

regulations. Residents can call the NYSDOH Adult Care Facility hotline to report that their payment was seized and request assistance in having it returned. Call the hotline at 1-866-893-6772.

The Center for Elder Law & Justice (CELJ): CELJ is available to answer your questions about the payment and to assist with concerns about coercion, financial exploitation, and other forms of abuse. Our free legal advice helpline can provide answers to brief legal questions to residents of New York State who are 55 or older. Call at 1-844-481-0973 between 9am and 11am to reach an attorney directly or call and leave a message. The helpline can also be contacted via e-mail at helpline@elderjusticenyc.org. In addition, our office is open for new intake and can be contacted at (716) 853-3087 and additional informational resources are available for residents online at: <https://elderjusticenyc.org/>