April 17, 2020

VIA ELECTRONIC MAIL

Renee D. Coleman-Mitchell  
Department of Public Health  
Office of the Commissioner  
410 Capitol Avenue  
Hartford, CT 06134

Deidre S. Gifford  
Department of Social Services  
Office of the Commissioner  
55 Farmington Avenue  
Hartford, CT 06106

RE: Economic Impact Payments for Residents of Nursing Homes and Residential Care Homes

Dear Commissioners Coleman-Mitchell and Gifford:

We write to urge the Department of Public Health (DPH) and the Department of Social Services (DSS) to issue guidance to all nursing homes and residential care homes (RCHs) in the state about the federal economic impact payments expected to be issued to individuals nationwide, including the over 24,000 Connecticut residents living in these facilities (approximately 22,000 in nursing homes and 2,700 in RCHs).

Approximately 70% of the nursing home residents are on Medicaid\(^1\), and approximately 75% of the RCH residents receive State Supplement (AABD) benefits.\(^2\) As you know, these facilities often serve as representative payees for residents, or directly receive residents’ income in less formal arrangements. Prompt guidance from your Departments is essential to advise facilities that they may not retain these payments. We urge DPH and DSS to issue clear guidance that directs administrators to properly credit the payments to individual residents’ personal needs accounts, to inform residents of the availability of their payments, and to provide residents timely access to their funds.

Residents who receive Social Security, SSI (unless they have dependents), Railroad Retirement, survivors’ benefits or disability insurance payments will receive the economic impact payment automatically.\(^3\) In most cases, the payments will be made by direct deposit to accounts held by the

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\(^1\) Long-Term Care Planning Committee Report to the Aging and Human Services Committee, January 1, 2020, p.4.
\(^2\) https://portal.ct.gov/DSS/Health-And-Home-Care/Long-Term-Care/Residential-Care-Homes-RCH/Fees
facilities. With payments already beginning this week, time is of the essence for the Departments to clarify facilities’ responsibilities and residents’ rights with respect to these funds.

Under federal law, the economic impact payments will not count as income in the month received or as assets for 12 months for SSI or Medicaid purposes. We believe these same protections should be extended to state-funded benefits such as AABD. That means that contributions to the cost of their care made by residents of nursing homes and RCHs will not change because of these payments. Therefore, the economic impact payment is the resident’s money for the resident to spend at her discretion. As long as the resident spends down countable resources to the applicable resource limit within 12 months, the payment would not result in the resident having “excess resources” for purposes of Medicaid, SSI or AABD.

Please confirm that you will issue the guidance requested to nursing homes and RCHs as soon as possible.

Thank you for your prompt attention to this matter of concern to some of the state’s most vulnerable residents.

Sincerely,

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4 “Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the legibility of such individual (or any other individual) for benefits or assistance (or the amount of extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.” 26 U.S.C. §6409.
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