



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-09-40

DATE: May 29, 2009

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Intermediate Care Facilities for the Mentally Retarded (ICF/MR) – The American Recovery and Reinvestment Act of 2009 (Recovery Act) One-time Cash Benefit to ICF/MR Clients

Memorandum Summary

- The American Recovery and Reinvestment Act of 2009 (Recovery Act) provides for a one-time cash benefit of \$250 to certain eligible individuals who receive a Social Security benefit, Railroad Retirement Pension, Veteran’s Administration disability pension and Supplemental Security Income (SSI).
- Many ICF/MR clients may be eligible for this one-time cash benefit.
- The money is for the client’s personal use and must not be used to pay for facility services.
- Representative Payees are required by law to use this payment for the personal benefit of the client.
- The one-time benefit will be sent separately from the routine Social Security or SSI benefit payment.
- Validation of inappropriate use of these payments by ICF/MR facilities who serve in the role of “payee” should be cited at 42CFR 483.410 (b) Compliance with Federal, State and Local Laws.

Background

The Recovery Act provides for a one-time cash benefit of \$250 to certain eligible individuals who receive a Social Security benefit, Railroad Retirement pension, Veteran’s Administration disability pension and Supplemental Security Income (SSI). The payments began in May, 2009 and will be completed by June 4, 2009. The payments will be delivered in the same manner the resident’s current Social Security or SSI benefit is delivered. However, the one-time payment will be made separately from the usual benefit payment.

Discussion

The Recovery Act one-time benefit is for the client's to use as they choose. The money is not for the facility to use as payment toward the cost of their care. For clients who have elected to have their money managed by the facility, the facility is obligated to set this money aside in the client's personal account. The client can save or spend the money as they choose. The one-time benefit is not considered income and will not be counted as a resource for ten months, including the month the money was received, in calculating eligibility for benefits under any Federal program or any State program with Federal funding, such as Medicaid.

Surveyors should investigate any complaint involving misuse of the one-time benefit payment by facilities, either as a result of requirements imposed on the clients or their families regarding the use of this benefit or in their role as a Representative Payee. An investigation finding that the funds were used or their use was directed inappropriately by the facility (in violation of the Recovery Act) should be cited at 42CFR 483.410 (b) Compliance with Federal, State and Local Laws.

Additional information on the one-time payment is available at:
<http://www.socialsecurity.gov/pubs/10519.pdf>

Clients and/or their families who have questions unrelated to our requirements regarding this benefit payment should be encouraged to contact Social Security at 1-800-772-1213.

Effective Date: Immediately.

Training: This policy should be shared with all Survey and Certification staff, their managers and the State /RO Training Coordinators.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management