



COVID-19 EDITION
**FAQ FOR RESIDENTS OF
ADULT CARE FACILITIES (ACFs)**
NASSAU AND SUFFOLK COUNTIES

Last updated January 14, 2021. The situation is changing rapidly.
Please check our website for the latest updates.

STIMULUS CHECKS



I live in an Adult Care facility, and I am on SSI/SSP. Will I receive the second round of stimulus payments?

Yes. If you receive SSI/SSP or SSDI, and you received a first stimulus check, you should also be receiving a second stimulus payment for \$600 automatically.



If I do not file an Income Tax return, do I need to file with the IRS to get my check?

SSI/SSP recipients do not need to file a tax return or register to receive the second round of stimulus payments if they received the first stimulus payment. If you did not receive the first Economic Impact Payment, you need to file a tax return to get the first and second round of stimulus payments.



How will I receive my Stimulus Payment?

If you received a first stimulus check last year, you should receive your second one in the same way as the first one. Most checks will be mailed by the end of January 2021. If you threw away your debit card by mistake, you could call for a replacement at **1-800-240-8100**. Social Security and SSI/SSD recipients who receive their benefits electronically should have received their stimulus payments by now.



What if I have a Representative Payee?

If you have a representative payee, the check should go to that individual or organization and be made available to you.

If your Facility is your Representative Payee, the money should be deposited in an interest-bearing account separate from the facilities' operating accounts. It can be a pooled account as long as there is a separate accounting for everyone's funds.

If you wish to withdraw the entire stimulus payment amount (which is not recommended), the Facility is required to provide the money within three banking days.



Does a Stimulus Check Count as Income?

Stimulus checks **Do Not** count as income in the month received or at any other time.



Does the Stimulus Check count as a Resource?

The Stimulus check does not count as a resource for SSI or Medicaid for **twelve months** from the date it is issued for most purposes. However, after twelve months, it will be counted as a resource. If you still have any money left from your first stimulus payment, please pay attention to when you received that money. Be aware that any money left from that payment will count as a resource in the thirteenth month after it was issued.

The second stimulus payment will not count as a Resource for **twelve months** from the issued date.

We make every effort to keep referral information, legal educational materials, and related forms up-to-date. However, the situation is rapidly evolving, and we do not maintain materials on external sites. We cannot guarantee the accuracy of this information, nor are we responsible for any legal advice, information or assistance that you may obtain from external sources. They are provided for general information only.



What Can I Use the Stimulus money for?

Unlike other forms of government benefits, which may have specific limitations, this money can be used for any purpose.



Can the Home or anyone else take this money from me to collect a debt?

Although you may **choose** to use this money to settle a debt, it cannot be taken from you for that purpose, nor can it be garnished for the collection of a debt, except for child support arrears.

ACF COMMUNICATIONS WITH RESIDENTS AND FAMILY



Is the Administration required to inform me if there is COVID in my Facility?

Yes. Both the Department of Health (DOH) and the Centers for Medicare and Medicaid Services (CMS) have issued guidelines for how a Facility should be communicating with the Residents and their families.



When are they required to notify me?

The most recent Department of Health directives requires the ACF to notify all Residents, and family members, or next of kin if any resident in the Facility tests positive for COVID or any Resident suffers from a COVID related death within 24 hours of the occurrence or by 5 pm the next calendar day, whichever is sooner.



Should the Facility provide regular updates?

The DOH has strongly encouraged Facilities to consider implementing a weekly update to all Residents regarding facility procedures and protocols for COVID control and information. For more information, contact covidadultcareinfo@health.ny.gov, or for nursing homes, contact covidnursinghomeinfo@health.ny.gov.



When can I visit my family member in an ACF?

In September 2020, the Department of Health lifted some of the restrictions on visitation to ACFs. [Click here for the full text of the rules on visits](#). Homes may allow limited visitation by family, friends, ombudsman, and resident advocates if the ACF is in full compliance with all COVID-19 requirements. The ACF must also forward a safety plan to the DOH outlining visitation plans. The plan, which must be posted online, should include where visits will occur and the number of visitors who can be present and maintain proper social distance.

The following rules also apply:

- Visits will only be allowed if there were no new COVID-19 cases among staff and residents for the last 14 days. Visits will be limited to outdoor areas whenever possible or designated common-area interior spaces.
- Indoor visits must be limited to a well-ventilated common space with no more than ten individual visitors at a time.
- Social distancing must be maintained.
- All visitors will be screened and must wear a face mask or face covering that covers the nose and mouth.
- No visitors will be permitted in resident rooms or care areas.
- No more than 10% of residents may have visitors at any one time.
- An adult must accompany visitors under the age of 18.
- All visitors must provide name, address, phone number(s), and email address for contact tracing purposes, if necessary.

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COVID INFECTION CONTROL WITHIN ACFs



Will I have to pay out-of-pocket to be tested for COVID?

No one in New York should have out-of-pocket costs for COVID testing at a NY state testing center. However, there may be charges for rapid testing or medical fees if you seek testing from a different facility.



Is there a screening process for non-residents entering my Facility?

Yes. Long Term Care facilities should implement screening for all. Screening includes checking temperatures regularly and looking for other COVID like symptoms.

- Everyone entering a facility, regardless of their reason, should be screened for COVID and their temperature taken.
- Access points should be limited to ensure proper screening.
- Every resident entering a facility should be screened for COVID.



Are Facility personnel required to be tested for COVID?

Yes. A New York State Executive Order dated May 10th has instituted additional staff testing requirements. The Order is to stay in effect through August 8, 2020. Every ACF is required to test or make arrangements for the testing of all personnel, including employees, contract staff, medical staff, per diem staff, operators, volunteers, and Administrators, for COVID-19 twice per week. The Facility must file its testing plan with the DOH no later than May 13.



What happens if a staff member tests positive for COVID?

If a staff member tests positive for COVID, that finding must be reported to the DOH by 5 pm the following day. If a staff member tests positive, they must stay home for the period of time suggested by the DOH and CDC.



Can a staff member refuse to be tested and continue working at the Facility?

No. Staff who refuse to be tested will be considered to have an outdated or incomplete health assessment and will be prohibited from working until the testing is performed.



Do I need to wear a facemask?

Yes. All Residents should use at least non-medical grade facemasks or coverings. If COVID positive or presumed COVID positive, they should wear a medical-grade facemask.

VACCINATIONS FOR COVID-19



When will vaccinations be available?

Residents of Long-Term Care facilities will qualify for vaccinations before most of the general population. Vaccinations will be commencing in Long Term Care facilities at the end of January. You can contact your Administration to find out the exact dates it will be available for your Facility.



Do I have to pay for the vaccination?

No. You do not have to pay out of pocket for the vaccination, although you may be asked for your health insurance information.



Do I have to be vaccinated?

No, you do not. You can choose whether you want the vaccine. Please contact Nassau Suffolk Law Services if you have questions about your right to give informed consent before medical treatment.

ADMISSION OR RE-ADMISSION TO ACF AFTER HOSPITALIZATION FOR COVID-19



If I am hospitalized for COVID-19, can I be discharged back to my ACF?

Yes. New York Department of Health has rules for re-admission. A Hospital may only discharge a patient who has received at least one negative test result for COVID-19, so long as the facility administrator has certified that they can provide that patient with adequate care.



Can I be released from the hospital back to my ACF if I am still testing positive for COVID?

No. Hospitals may not discharge a patient who is still testing positive for COVID-19. ACFs are not permitted to accept patients from a hospital with COVID until they receive at least one negative test result.



If I was hospitalized for COVID-19, but I have had a negative test result, can my ACF refuse to take me back?

As long as your Home can provide the necessary care, they must take you back. No ACF or nursing home can deny admission to a resident based solely on the resident's previous COVID-19 diagnosis.



What happens if the hospital is ready to discharge me, and my Facility cannot provide an adequate level of care?

If you are stable and ready for discharge, but your ACF is unable to provide adequate care, the hospital may either retain you or, if Hospital beds are needed for more severe cases, the hospital must arrange an appropriate discharge and transportation to a facility that can provide an adequate level of care.

MICRO CLUSTERS AND VISITATIONS TO ACFs

New York established a Cluster Action Initiative, with “red,” “orange,” and “yellow” cluster zones depending on the severity of a local outbreak. As of January 14, 2021, no Long Island regions have been designated orange or red micro-clusters.

The following visitation protocols will be in effect for areas designated “micro-clusters”:

- **RED ZONES:**

All visitation will be suspended, EXCEPT FOR:

- Compassionate care;
- Medically or clinically necessary visits;
- Accompanying a minor in a pediatric facility;
- Labor/delivery/post-partum care;
- Necessary legal representatives;
- Essential companions for people with intellectual/developmental disabilities or cognitive impairments.

- **ORANGE ZONES:**

All visitation will be suspended if a staff member or Resident of the Facility has tested positive for COVID-19 in the past 14 days, EXCEPT FOR:


- Compassionate care;
- Medically or clinically necessary visits;
- Accompanying a minor in a pediatric facility;
- Labor/delivery/post-partum care;
- Necessary legal representatives;
- Essential companions for people with intellectual/developmental disabilities or cognitive impairments.

- **YELLOW ZONES:**

Visitation guidelines will continue as they would in non-micro-cluster areas.

SALON SERVICES IN ACFs

Are salon services allowed?

 ACFs, including nursing homes, may resume in-house salon services if the Facility follows requirements for salons and barbershops. Salon services MAY NOT continue in red or orange micro-cluster zones.

In ACFs, all beauticians and barbers must be tested/provide a negative COVID test at least once a week. In Nursing Homes, all beauticians and barbers must be tested/provide a negative COVID test within 24 hours of providing services at a facility.

In both kinds of facilities: Facility staff must complete daily screening for COVID symptoms, including temperature checks. Facilities must also make available and adhere to the recommended procedures for sanitizing, PPE, physical distancing, signage, and full disinfection of salons every day.



If you have further questions, there are Advocates who can assist you:

Erika S. Verrill, Staff attorney NSLS
631 232-2400 x.3362
Email: everrill@nsls.legal

Suffolk County Ombudsman Program
631-470-6755
Email: ombudsman@fsl-li.org

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