



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

Last updated May 14, 2020. 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 a Stimulus Check?**

Yes. The Federal Government is issuing COVID stimulus checks in the amount of \$1200 per person (\$2,400 per married couple) to all qualifying individuals.



### **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 stimulus check unless they started receiving benefits for the first time in 2020. There is a short non-filer form on the IRS website that new SSI recipients and other people who did not file tax returns for 2018 or 2019 should use to register for the stimulus.



### **How will I receive my Stimulus Check?**

If you receive SSI/SSP benefits, or receive Social Security Disability or Social Security you should receive the stimulus check in the same way you receive your usual monthly benefit checks. Most Social Security and SSD recipients who receive their benefits electronically should have received their stimulus payments by now. SSI recipients who get their benefits electronically should receive their stimulus payments during the month of May.

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 \$1200 (which is not recommended) the Facility is required to provide the money within three banking days.



### **What if I have a Representative Payee?**

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



### **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 **Twelve months** from the date it is issued for most purposes. However, after twelve months it will be counted as a resource.



### **What Can I Use the Stimulus money for?**

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



### **Can the Home or anyone else take this money from me for collection of 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 in the collection of a debt.

## 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](mailto:covidadultcareinfo@health.ny.gov), or for nursing homes contact [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov).

## 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.



### 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.

- EVERY person 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.



### Can my family and friends visit me in my Facility?

NO. Currently, only essential staff and personnel are being permitted to enter ACFs and nursing homes.



### Are Facility personnel required to be tested for COVID?

Yes. A New York State Executive Order dated May 10<sup>th</sup> has instituted additional requirements for staff testing. The Order is to stay in effect through June 9, 2020.

Every ACF is required to test or make arrangements for the testing of all personnel, including employees, contract staff, medical staff, operators 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.

*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.*



**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 medical grade facemask.

**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. A DOH Directive was released to all ACFs and Nursing Homes May 11, 2020, which outlines the process of 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 are able to 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 who have COVID-19, 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 they are able to 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 serious cases, the Hospital must arrange an appropriate discharge and transportation to a facility that can provide an adequate level of care.



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

Erika S. Verrill, Staff attorney NSLS  
631 232-2400 x3362  
Email: [everrill@nsls.legal](mailto:everrill@nsls.legal)

Suffolk County Ombudsman Program  
631-470-6755  
Email: [ombudsman@fsl-li.org](mailto:ombudsman@fsl-li.org)