

Government Benefits and Representative Payee Services

During the COVID-19 Emergency

UPDATED: 02/9/2021

The Office of Developmental Programs (ODP) is offering updated guidance to stakeholders about how some **Medical Assistance (MA) requirements that were on hold due to the COVID-19 pandemic are beginning to be applied again.** This guidance also reminds stakeholders about how federal pandemic unemployment compensation benefits and the Internal Revenue Service (IRS) economic impact payments (or recovery rebates) will affect benefits from the State and Federal Governments such as MA, Supplemental Nutrition Assistance Program (SNAP) and Supplemental Security Income (SSI) for individuals served by ODP. This includes the participants who are enrolled in the Consolidated, Community Living, Person/Family Directed Support (P/FDS) or Adult Autism Waiver (AAW), individuals enrolled in the Adult Community Autism Program (ACAP) as well as individuals who receive base-funded services. This document has been developed to provide guidance that has been released in multiple documents in one place. **Updates are in red.**

1. Will individuals remain eligible for MA during the COVID-19 emergency?

County Assistance Offices (CAOs) are instructed not to close or decrease MA benefits during the COVID-19 disaster declaration, unless they are closing or decreasing due to reasons outlined in section 6008(b)(3) of the Families First Coronavirus Response Act (“FFCRA”) (Public Law No. 116-127) or in the new final rule. The Office of Medical Assistance Programs (OMAP) and Office of Income Maintenance (OIM) are aware of individuals whose MA eligibility was incorrectly closed. Members whose MA benefits were incorrectly terminated on or after March 18, 2020 will have them reinstated.

2. If I receive the additional \$600 per week of the federal pandemic unemployment compensation, will these benefits impact eligibility for MA? Will they be counted as income or a resource for MA eligibility purposes?

For MA, the additional \$600 per week of the federal pandemic unemployment compensation is not counted as income or a resource **in the initial month of receipt, and**

MA recipients will not be closed due to excess resources during the COVID-19 emergency.

3. Will the federal pandemic unemployment compensation payments impact eligibility for Cash Assistance or SNAP benefits?

For Cash Assistance, the federal pandemic unemployment compensation payments are not counted as income or a resource. For SNAP, the payments are not counted as income and not counted as a resource for nine months.

4. I receive Supplemental Security Income (SSI). Am I eligible to receive an economic impact payment?

SSI recipients will automatically receive stimulus checks. These funds will not count as income and will not be counted as assets for the first 12 months, as pertains to SSI and MA eligibility. Adults who are claimed as dependents by others are not eligible for stimulus checks. Further, SSI beneficiaries with dependent children still need to use the IRS portal to receive their child credit.

5. How will receipt of the economic impact payment affect participant resources? Will participants be over the resource limit?

The portion of the economic impact payments that are spent within 12 months of receipt are considered an excluded resource for MA and SSI eligibility. Any portion of the payment that is not spent within 12 months of receipt is a countable resource. Individuals who are concerned about having resources that exceed the amount allowable to maintain eligibility for MA and/or SSI in 12 months are encouraged to explore the option of an ABLE account. More information about Pennsylvania's ABLE program is available at <https://www.paable.gov/>.

Please note: The first economic impact payments were issued beginning April 10, 2020. Any portion of that payment that has not been spent within 12 months will be a countable resource when determining new or continued eligibility for SSI or MA.

6. Will the economic impact payments need to be reported as income for MA for the month it is received? Will it count as income in the month it is received?

No, the economic impact payments will not be counted as income in the month the amount is received and is excluded for 12 months after receipt. In the 13th month, if the economic income payment is not fully spent, this money will be included as a resource when calculating MA eligibility.

7. How should the representative payee assist the participant in using the economic impact payment?

The economic impact payment (payment) belongs to the Social Security or SSI participant. The representative payee should discuss the payment with the participant. If the participant wants to use the payment independently, the representative payee should provide the payment to the participant. If the participant asks the representative payee for assistance in using the payment in a specific manner or saving it, the representative payee can provide that assistance outside the role of a representative payee.

8. How should the provider assist the participant in using the economic impact payment?

As stated in the question above, the economic impact payment (payment) belongs to the Social Security or SSI participant. If the participant has questions about the payment, the provider should help address those questions with the participant or help the participant reach out to the representative payee for further clarification. **In accordance with 55 Pa. Code § 6100.181, providers are responsible for educating and assisting individuals to make choices; which includes educating individuals about different options available for saving money and assisting individuals to make choices about how to manage and access finances in alignment with the individual's goals.** If the participant asks the provider for assistance in using the payment in a specific manner, the provider should assist the participant in managing and accessing his/her finances to use the payment as desired by the participant.

9. What responsibilities does the representative payee have in managing the participant's economic income payment?

Under the Social Security Act, a representative payee is only responsible for managing Social Security or SSI benefits. An economic income payment is not such a benefit. A representative payee should discuss the economic income payment with the participant. If the participant wants to use the economic income payment independently, the representative payee should provide the payment to the participant.

10. How should representative payees account for the economic impact payment when completing the annual Representative Payee Report (i.e., annual accounting form)?

Since the economic income payment is not a Social Security or SSI benefit, the representative payee is not required to account for the economic income payment when they complete their annual accounting form.

11. What if a participant alleges a representative payee misused the economic impact payment?

Since economic income payments are not a Social Security or SSI benefit, the Social Security Administration (SSA) does not have authority to investigate or determine whether the economic income payment has been misused. However, if the SSA receives an allegation that the economic income payment was not used on behalf of the participant, the SSA may decide to investigate for possible misuse of the participant's Social Security or SSI benefit payments. The SSA may also determine the representative payee is no longer suitable and appoint a new representative payee.

If the provider hears of an allegation of misuse of funds, the provider must continue to report and investigate incidents as outlined in the current Incident Management Statement of Policy, 55 Pa Code Chapter 6000 Subchapter Q.

12. Do the economic impact payments affect SNAP benefits?

Economic impact payments are not counted towards determining eligibility for SNAP benefits for 12 months. Any portion of the payment that has not been spent after 12 months will be counted as a resource.

Please note: The first economic impact payments were issued beginning April 10, 2020. Any portion of that payment that has not been spent within 12 months will be a countable resource when determining new or continued eligibility for SNAP. Individuals who are concerned about having resources that exceed the amount allowable to maintain eligibility for SNAP benefits are encouraged to explore the option of an ABLE account. More information about Pennsylvania's ABLE program is available at <https://www.paable.gov/>.

Additional information about SNAP benefits, including SNAP COVID-19 Resources, can be found at the following link on the Department's website: <https://www.dhs.pa.gov/Services/Assistance/Pages/SNAP.aspx>

13. How will my economic income payment impact my room and board charges?

The economic income payment is not counted as monthly income and therefore, will not be used to calculate room and board charges.

14. Are CAOs making changes to MA eligibility or determining individuals eligible during the COVID-19 emergency?

CAOs are instructed not to close or decrease MA benefits during the COVID-19 disaster declaration, unless they are closing or decreasing due to reasons outlined in 6008(b)(3) of the FFCRA or in the new final rule. OMAP and OIM are aware of individuals whose MA eligibility was incorrectly closed. Members whose MA benefits were incorrectly terminated on or after March 18, 2020 will have them reinstated. If an individual has questions about MA eligibility, please instruct the person to contact their CAO.

15. Are there any impacts to MA eligibility or benefits of individuals who turn 21?

Based on federal guidance regarding the maintenance of benefit requirements, the MA Program continued the same scope of benefits for MA beneficiaries who turned 21 on

or after March 18, 2020 as those benefits provided to MA beneficiaries under 21 years of age. This applied to beneficiaries who received services in MA Fee-for-Service and Physical Health (PH) and Behavioral Health (BH) HealthChoices.

Although MA beneficiaries who turned 21 on or after March 18, 2020, were moved from the child benefit package (HCB 01) to the adult benefit package (HCB 50), PROMISE™ was updated to ensure services covered under HCB 01 would continue to pay for those beneficiaries who turned 21 that were moved to HCB 50.

On November 28, 2020, the Centers for Medicare & Medicaid Services (CMS) issued regulations at 42 CFR § 433.400 that reinterpret the conditions under which states claiming the temporary Federal Medical Assistance Percentage (FMAP) increase must maintain benefits.

On February 1, 2021, the Department will restore HCB 50 to the adult scope of benefits in place prior to March 18, 2020, consistent with 42 CFR § 433.400. As a result, beneficiaries who turned 21 on or after March 18, 2020 will no longer be eligible for the benefits provided under the children's benefit package. Managed Care Organizations (MCOs) will assist these MA beneficiaries as they transition to the adult benefit scope of benefits.

This information was communicated in [Provider Quick Tips #252](#). If an individual has questions about MA eligibility, please instruct the person to contact their CAO.

16. What about Medical Assistance for Workers with Disabilities (MAWD)? Will eligibility for MAWD be impacted by the economic impact payments?

Everyone that was open in MAWD as of March 18, 2020, will continue to receive MAWD¹. It is not impacted by income changes, loss of job or receipt of any economic income payments.

¹ This applies to the MAWD recipient unless they are no longer a resident of Pennsylvania, the individual requested their benefits be closed, the individual has passed away, the individual is incarcerated, or it is found the individual was not validly enrolled.

The FFCRA requires that for states to receive additional federal Medicaid matching funds, any Medicaid case that was open as of the date of passage (March 18, 2020) must remain open through the emergency declaration¹. We are providing good cause for job loss and taking self-attestation for reopening people who were closed prior to the 18th but who state that they paid their past due premiums. The only closures will be to transfer people to a different Medicaid category (one with no premium requirement) if they qualify.

17. Are any of my other benefits impacted, such as Temporary Assistance for Needy Families (TANF) or Medicare?

Economic stimulus payments are not counted towards TANF benefits or Medicare for 12 months. After 12 months, it is considered a resource.

Please note: The first economic impact payments were issued beginning April 10, 2020. Any portion of that payment that has not been spent within 12 months will be a countable resource when determining new or continued eligibility for TANF benefits or Medicare. Individuals who are concerned about having resources that exceed the amount allowable to maintain eligibility for TANF benefits or Medicare are encouraged to explore the option of an ABLE account. More information about Pennsylvania's ABLE program is available at <https://www.paable.gov/>.

Cornell University put together a very thorough explanation about how benefits are impacted by the COVID-19 pandemic which can be accessed at <https://yti.cornell.edu/images/COVID-19-Benefits.pdf>.

18. Can I still receive assistance and information about my benefits through a Work Incentives Planning and Assistance (WIPA) program?

Yes, the WIPA programs are still open and providing assistance. For a referral to a local WIPA, contact the Social Security Administrations helpline at 1-866-968-7842 (V) or 866-833-2967 (TTY).

Individuals, families, and providers should continue to check the Department's COVID-19 website and the Department of Health's website for updates regarding COVID-19.

Additional information on COVID-19 impacts on SSI can be accessed at
<https://www.ssa.gov/coronavirus/>