

**NEW JERSEY LONG-TERM CARE OMBUDSMAN
STIMULUS PAYMENTS GUIDANCE FOR LTC – Revised June 30, 2020**

In light of recent Medicaid guidance on this issue, the information below will inform how the LTCO will proceed with our advocacy when we receive calls from residents, facilities and families on this issue.

Note, the LTCO was advised by the NJ Division of Medical and Health Services on June 23, 2020 that resident cash gifts to family and friends ARE ALLOWED.

Specifically, per DMAHS: “CMS states that gifting of stimulus funds will not count as a transfer of assets during the 12 months following the receipt of the funds. If the money has not been spent after 12 months, it will count as a resource in determining eligibility and if gifted at that time, would be considered a transfer.”

MEDICAID GUIDANCE: <https://nj.gov/humanservices/library/slides/30-13%20%20Provider%20Newsletter%20LTC-%20Stimulus%20Final.pdf>

- At the resident’s direction, LTC facilities can deposit stimulus funds in the resident’s PNA account. However, the spending from that account is directed by the resident and is not in any way controlled by the facility. For instance, if the resident wishes to remove all of the funds and spend it all at one time, they can do that. If they wish to give it away, they can do that. Facilities should not dole out funds in increments and should not require the resident to produce a receipt to access their own funds. Cash allocations from this account should be given to the resident of any amount requested by the resident.
- A resident who has an outside bank account can deposit the funds in that bank account. The resident should be advised that the stimulus funds will not be counted as an asset for 12 months. The resident should be informed that they can spend the money however they wish, including giving money to friends or relatives.
- If an alert and oriented resident wants the funds to be given to a POA or person designated by the resident, they can do that also. This designee or POA can manage the funds and make purchases for the resident. The POA or resident designee should be informed that they should utilize the funds according to the wishes of the resident. They can assist the resident in making purchases of goods and services or of making gifts to friends and family.
- If a resident is not alert and oriented and there is no designated POA and a friend or family member is asking for access to the stimulus funds, the long-term care facility should consider how involved and engaged this individual has been with the resident in the past. Among the considerations should be if this individual: has any other legal authority including health care proxy; is listed as a contact person on the face sheet; is frequently in contact with the resident; has assisted the resident in spending PNA funds in the past. If the determination is made to turn the funds over to this individual, the individual should be advised to maintain records of how the funds were spent for the benefit of the resident.
- If a LTC facility believes that a POA or other individual is requesting access to a resident’s stimulus payment in order to financial exploit them or if a LTC facility learns that a resident is

being financially exploited by their designee or POA, they should file a complaint with the NJ Office of the Long-Term Care Ombudsman at **1-877-582-6995** or ombudsperson@ltco.nj.gov

- For residents who are not alert and orientated and who have no POA, designated representative or anyone from outside the facility who is actively engaged in their lives, the LTCO urges the LTC facility to utilize the stimulus funds for the purchase of items that the resident might need – like clothing or shoes – and also for items that might bring the resident comfort or pleasure – like a new blanket, art, edible treats or an MP3 player.

The LTCO is happy to answer any questions you may have about this guidance. Call 609-826-5054 and leave a message. Your call will be returned in a timely fashion.