

CENTER FOR MEDICARE ADVOCACY, INC.

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April 21, 2009

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Re: Stimulus checks for nursing home residents,
§2201, American Recovery and Reinvestment
Act of 2009

Dear Bruce, Larry, and Alan:

As you know, next month, nearly every nursing home resident in the country will receive a one-time cash benefit of \$250, under §2201 of the American Recovery and Reinvestment Act of 2009 (ARRA). Unfortunately, we have already begun to hear that some nursing facilities are giving families incorrect information, telling them that the money goes to facilities and that facilities, rather than residents, will keep and spend the \$250. We are writing to ask your help and leadership to ensure that residents get their full checks to spend as they choose. Your communication to your members could help get out this important information to nursing facilities.

The ARRA provides that residents will receive a one-time payment of \$250, which will not be considered income and will not be counted as a resource for ten months (including the month the money was received) in calculating eligibility for, or the amount of, benefits under any federal program or any state program with some federal financing. Residents will receive the payment either

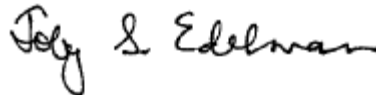
either by direct payment or check. Residents can spend their money however they choose. The money is solely for resident' personal use and is not intended to be used for prescription drugs, therapy, or supplies or services chosen by the nursing facility. In addition, regulations addressing protection of residents' funds, 42 C.F.R. §§483.10(c), and guidance appearing in the State Operations Manual, Appendix PP, pages 19-29, Tags F158 –F162, are applicable.

A good source of consumer information about the ARRA is the National Center for Benefits Outreach and Enrollment, part of the National Council on Aging (NCOA), which has written a one-page flyer for residents that it will post on its website, www.ncoa.org, by the end of the week. Nursing facilities could copy and post the flyer in a prominent location and give copies to residents and families.

We have written to Thomas Hamilton, asking that the Centers for Medicare & Medicaid Services issue a Survey and Certification letter to State Survey Agencies and a Dear Administrator letter to all nursing facilities participating in Medicare or Medicaid, or both.

Thank you for your consideration. Please let us know how we can work with you on this issue.

Sincerely,

A handwritten signature in black ink that reads "Toby S. Edelman". The signature is written in a cursive style with a large initial "T".

Toby S. Edelman

On behalf of:

Center for Medicare Advocacy
NCCNHR (The National Consumer Voice for
Quality Long-Term Care)