

## **Health Care Worker Bonus Program (Revised 8.26.22)**

The Department of Health has released additional information since this Report was first published by HCP on 8.9.22. Therefore, additions, reiterations and clarifications as of 8.26.22 appear below in RED.

### ***What HCP Members Need to Know NOW***

As you're painfully aware, home care aides are specifically excluded from the state Health Care Worker Bonus program. Provider members need to be aware that **Article 36 agencies may have other employee types that ARE eligible for this bonus.**

[The Health Care Worker Bonus \(HWB\) Portal](#) that is used for employers to claim these funds **is now live.** Reporting for the first vesting period - October 1, 2021- March 31, 2022 - is currently open for submissions. **The deadline for these submissions is September 2, 2022.**

HCP has reviewed and analyzed the employer requirements, the portal logistics, and the list of eligible workers. **Several topics are still in need of clarification, and we have compiled a second list of questions for the Department of Health (DOH/the Department).** We will update our members as our questions are addressed and more information is learned.

The below document details *what you need to know and do NOW*, as the deadline is September 2, 2022. Necessary resource links are located throughout, as well as listed at the end of this document.

In short, HCP advises provider members to:

- ***View videos and set up account***
- ***Gather employee data and get their attestations***
- ***CHECK EXCLUSIONS – for the full vesting period and the time of submission***
- ***Meanwhile, have employer attestation reviewed by officer/owner***
- ***Begin entering data into state-provided template.***

Your HCP Public Policy team is collaborating with other stakeholders to compile an ongoing list of questions for the Department. These topics include:

- **Employee eligibility (e.g., home care title definitions including coordinator, intake/screening)**
- **Late Employee Attestations**
- **Employer liability for good faith bonus request for a specific job title**
- Recordkeeping and reconciliation of payments

### ***Determine Eligibility***

#### ***Employers***

Per DOH, qualified employers:

- Have at least one employee AND
- Bill for services under the state Medicaid plan OR

- Bill under a home and community-based services waiver OR
- Bill Medicaid services via a managed care organization or managed long-term care plan

Certain entities funded by other means (e.g., Office for People with Developmental Disabilities) are also qualified.

**The bonus program for educational institutions will roll out in the coming months.**

### **Employees**

Note that both clinical and non-clinical workers may qualify. Per the Department, **employee** is defined as certain front line health care and mental hygiene practitioners, technicians, assistants and aides that:

- Provide hands on health or care services to individuals in NYS.
- Are continuously employed in a qualifying position for the full vesting period, regardless of whether they are full-time, part-time, salaried or an independent contractor
- Live within or outside the State.
- Have an annualized base salary of \$125,000 or less.

The state includes [a list of eligible employee titles here](#). Worker titles can be unclear in some instances, and HCP is seeking further clarification.

**Personal care aides, home health aides, and personal assistants are NOT eligible for the bonus.**

**Home care clerical and billing staff are NOT eligible for the bonus.**

**Remote workers with eligible titles (e.g., telehealth nurses) ARE eligible for the bonus.**

Note that OTHER HEALTH CARE SUPPORT WORKERS are described on the DOH web resource as supporting “...patient-facing care provided **within a patient care unit of a hospital or other institutional medical setting ...**” (Emphasis added). Therefore, **administrative scheduling clerks, etc. in home care are NOT eligible for the bonuses.**

**Staff supplied by a third party (temp agency, for example) are NOT eligible for bonuses. However, temporary employees of your organization ARE eligible.**

In addition to the above definition of employee, the worker must meet the following requirements to be qualified for a bonus:

- Be continuously employed in a qualifying position by an eligible provider during the entire “vesting period.”
- **Not be suspended or excluded from participation in the Medicaid program during the vesting period OR at the time of submission.** [Check Exclusions!](#)
- Work for a qualified employer for the required number of hours during the vesting period to be eligible for the bonus. (Minimum is 20 hours per week **average**.)
- Complete the [Employee Attestation](#) (see below)

**The state has the final eligibility determination and will issue or deny the bonus.**

## ***Vesting Periods***

Claims must be submitted by each vesting period's deadline. The first vesting period is October 1, 2021 through March 31, 2022. ***The deadline for submitting bonus requests for vesting Period 1 is September 2, 2022.***

Vesting Period 2 begins April 1, 2022 and ends September 30, 2022. You may begin Period 2 submissions on October 1, 2022. The deadline for Period 2 bonus request submissions for employers will be October 31, 2022.

Thereafter, each 6-month period is one vesting period. Claims must be submitted within 30 days from the end of each vesting period. Note that due to these timelines, an employee cannot attest until the vesting period is complete.

The five vesting periods run through March, 2024. [PDF of vesting periods.](#)

Remember- each employee is eligible for only TWO vesting periods, regardless of the bonus amount.

Note that the employee must have been in a qualifying position for the entire vesting period! You must have at hand the number of hours each employee worked in the 6-month vesting period. **NOTE: Paid time off, sick leave, etc. DO count towards average weekly hours.**

Per the budget statute, the commissioner of health can promulgate regulations that specify a different number of vesting periods. The total payments per employee, however, will not exceed \$3000 regardless of the number of vesting periods in regulation.

## ***Former Employees***

- **ARE eligible if they terminate employment AFTER the bonus payment due date**
- **ARE eligible if employer terminates employment after vesting is complete**
- **ARE NOT eligible if employee terminates employment before the bonus payment due date**

If an employee is eligible and vested, but leaves your employ BEFORE the payment due date, you are not obligated to pay them the bonus. (The money **must** go back to the state if you received it and did not pay the worker.)

Illustration: You receive the bonus funds from the state on October 1; the deadline to distribute the money to the workers is October 31. An eligible, vested employee leaves the job on October 15. You are NOT required to pay the bonus, and must return those funds to the state.

However, if it's now November, and you didn't distribute the funds on time, that same former employee is entitled to the bonus from you.

## ***Attestations***

Employers can log in and begin compiling the employee lists at any time (below), but - ***you must have the required employee attestations completed and signed before submitting your eligible employee list to the state! This cannot be overstated.***

***Full understanding of the attestations*** before you start the submission will result in a smoother process and help ensure your organization's compliance.

### ***Employee Attestation***

***The employee attestation must be signed and returned to the employer before the bonus can be claimed.*** Note that the form is currently only available in English. **The attestation can be completed and sent to the employer electronically.**

The employee attestation requires:

- Employee name
- Federally issued Social Security number (SSN) or Federally issued Individual Taxpayer Identification number (ITIN)
- Attestation that during the selected six-month vesting period their gross wages were not more than \$62,500:
  - Including wages, salaries or fees from ALL employers or from contract work, not limited to wages from qualified employers.
  - Without any deductions or allowances.
  - Excluding any bonuses or overtime pay.

Dated signature attests that:

- the information entered as part of the form is true, accurate and complete, and
- the worker understands that payment under this program is from state and/or federal public funds and that any false information provided may violate applicable state and federal laws and regulations.

**Document if employee refuses. You cannot submit for a bonus if employee refuses to attest!**

### ***Employer Attestation***

In addition to declaring yourself to be an eligible employer, and attesting that submitted employees meet ALL the HCW Bonus requirements for the vesting period (job title, income, etc.), the employer attestation includes several other declarations. It must be electronically signed by an officer or owner. **READ IT CAREFULLY.** There are a lot of details, and your signature attests that all information is accurate and complete.

You are declaring that:

- you have not received more than the employee's \$3000 bonus limit for that worker.
- you will not claim or pay a bonus to an otherwise eligible employee who has been suspended or excluded under the medical assistance program during the vesting period or at the time an employer submits a claim.
- funds are subject to recovery and sanctions, and penalties can be imposed if:
  - The employer fails to claim a bonus for an eligible worker who has provided the proper attestation
  - The employee is not entitled to the bonus amount paid
  - The employer fails to pay the entire bonus within 30 days of receipt.

*Your signature further ensures you will pay qualified employees their bonus amount within 30 days of receipt*, and will not retain any portion of the bonus funds for any purpose. If necessary, unused funds must be returned to the Department.

You are attesting to understanding your record keeping requirements, and that all documents must be made available for review upon request. You also attest that you understand that funding is from federal and state sources, and false claims, concealment of facts, or misuse of the funds is strictly prohibited. These prohibited actions can result in administrative, civil or even criminal actions, fines, and prosecution.

## ***Access the Portal***

**Providers enrolled in the NYS Medicaid (eMedNY) system log into the Portal** with their Medicaid Management Information System (MMIS) ID:

- Verify that your MMIS ID is active. Direct questions to the eMedNY Call Center at (800) 343-9000. Lines are open for these inquiries Monday through Friday from 8:00 am to 5:00 pm.
- If you have multiple MMIS numbers: Use only one MMIS ID on the Portal to claim bonus payments. You can link other MMIS IDs to the HWB Portal account, then submit employees based on the MMIS ID that best fits each individual's situation.
- Medicaid providers that are qualified employers **but employ workers paid by the State** must work through their respective State agency.

**Providers who are qualified employers but NOT enrolled in the eMedNY system log in with their Statewide Financial System (SFS) ID.**

## ***Enter and Submit Data***

Qualified employers are required to submit claims for bonus payments for their eligible, qualified employees. Employees CANNOT claim bonuses themselves!

[Employers can access the bonus portal here.](#) Registration is required, and each provider may have **only a single employee authorized to use it**. The user must enter their own name, email address and phone number, as well as the organization's tax ID (FEIN or SSN), and provider ID number (Medicaid/MMIS or non-Medicaid vendor/SFS ID). A password must be established that meets the stated criteria.

The Technical Portal Guide instructions can be found within the HWB Program Portal.

Your bonus eligible employee details can be entered in one of two ways:

- The file upload method appears to be the more efficient method. You **MUST** use the state's Excel template. It allows up to 5,000 employees to be entered. You may save the file to your system and add to it before submitting.
- Individual employees may be uploaded manually. This might come in handy if you discover a worker you missed, or have employee attestations coming in at different times.

Each submission includes an employer attestation. (See above.) Once again, HCP cautions members to review the submission and the attestation carefully before providing the appropriate signature.

**DO NOT submit more than one claim per vesting period per employee! This will result in bonus denials.**

## ***Documentation***

All qualified employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. This includes payroll records, employee attestations, etc. An employer must furnish such records upon request to the Department, the Office of Medicaid Inspector General (OMIG), the US Department of Health and Human Services, and the deputy attorney general for Medicaid Fraud.

## ***Additional Information***

### ***Funds Distribution***

Bonuses will be paid to the employer on behalf of their qualified employees as part of their weekly Medicaid payment from eMedNY. It will be a lump sum (HWB-HW Bonus) line item on their Medicaid remittance, whether electronic or paper. Electronic- see remittance before the payment. Paper- get with the payment.

**Employers will be reimbursed for payroll and FICA taxes in their remittance. This will be documented in a separate line below each bonus.**

Bonuses for non-Medicaid services will be paid to the employer via the State Financial System.

You **MUST** pass the bonus funds on to the employee within 30 days of receipt. Failure to do so may result in serious consequences, including charges of fraud.

**The bonus MUST be processed as payroll. No separate check is required, but bonus must be identifiable to employee and auditors.**

A qualified employer shall not keep any portion of the bonus and any bonus amount not paid to an employee must be returned to the Department.

Employers may review the status of the bonus claim on the portal, or call the HWB help line.

A qualified employer who fails to identify, claim, and/or pay any bonus for more than 10 percent of bonus eligible workers may be subject to penalties of up to \$1,000 per violation of the HWB Program.

The Office of the Medicaid Inspector General (OMIG) will audit payments released by eMedNY to ensure funds were appropriately claimed and dispersed. **Keep records for 6 years!**

The employer must maintain contemporaneous records for all HCW Bonus claims-related information, including any data or documents demonstrating employee eligibility. This includes employee attestations. All records, data and other information must be made available for review upon request.

### ***Bonus Amounts***

Bonus amounts range from \$500 to \$1500 for each vesting period.

Qualified employers will pay bonus amounts to qualified employees based on the number of hours worked during the vesting period as defined below:

- Qualified employees who work at least 20 hours but no more than 30 hours per week are eligible for a bonus of \$500;
- Qualified employees who work at least 30 hours but no more than 35 hours per week are eligible for a bonus of \$1,000; and
- Qualified employees who work at least 35 hours per week are eligible for a bonus of \$1500.

Exempt employees are eligible for \$1500 per vesting period. The statute does not indicate hours required for exempt workers.

A qualified employee is eligible for up to two vesting periods per employer. The maximum any employee may receive is \$3000 across ALL employers.

### ***Information for Employees***

Bonuses will NOT affect safety net benefits. Bonus payments paid to a NYS resident are not subject to NYS personal income tax. To determine how the bonus payment may affect a specific situation, employees must consult with a tax professional.

Employees may report their employer if the bonus is not properly distributed by contacting OMIG's Fraud Hotline at 1-877-87 FRAUD (1-877-873-7283) or by [filing a claim electronically](#).

### ***Resources***

The HWB Program Portal will be updated regularly with program updates and/or the most up to date information for employers. Please also visit the [eMedNY listSCWerv page](#) to subscribe to applicable listServs.

If an employer has a question not addressed by the available resources, the Health Care Worker Bonus (HWB) Call Center can be reached at: (866) 682-0077

### ***Useful Links***

[Budgetary Language](#)

[August 2022 Press Release](#)

[HWB Landing Page](#)

[HWB Program Portal](#)

[Instructional videos](#)

[List of Eligible Worker Titles](#)

[Employer Eligible Titles](#)

[HWB Program FAQs](#)

[Employer Attestation](#)

[Employee Attestation](#)

[PDF of vesting periods.](#)