



May 4, 2020

Mr. Kody Kinsley
Deputy Secretary, Behavioral Health and Intellectual and Developmental Disabilities
NC Department of Health and Human Services
kody.kinsley@dhhs.nc.gov

Mr. Benjamin Money
Deputy Secretary, Health Services
NC Department of Health and Human Services
Ben.money@dhhs.nc.gov

In re: Organizational Representative Payees and Beneficiary Stimulus Money

Dear Mr. Kinsley and Mr. Money,

Disability Rights North Carolina (DRNC) urges the NC Department of Health and Human Services (DHHS) to provide immediate direction to its providers/licensees that also serve as Representative Payees for Social Security Administration (SSA) beneficiaries with disabilities, to ensure payees understand that federal stimulus checks, known also as “Economic Impact Payments (EIP),” belong solely to the beneficiary to manage – not the payee. In addition, on Friday the Social Security Administration posted direction on its website about the use of this money: <https://www.ssa.gov/coronavirus/>

SSA provides clear direction to Representative Payees that their role is limited solely to the management of the beneficiary’s SSA benefits. SSA’s “Guide for Organizational Representative Payees”¹ is clear about this limitation: “Being a payee does **not** [emphasis provided by SSA] give you authority to: Manage the beneficiary’s non-social security income; ... Manage or control the beneficiary’s wages, pensions, dividends or any income from sources other than Social Security or SSI benefits.”

DRNC requests that DHHS issue urgent direction to all licensed residential providers. It is essential payees and other care providers know they may not retain these payments. DHHS must provide clear guidance that directs administrators to properly credit the payments to individual residents’ personal needs accounts, inform residents of the availability of their payments, and provide residents timely access to their funds.

¹ https://www.ssa.gov/payee/NewGuide/toc.htm#Limits_Payee

It is also important for payees, providers and beneficiaries to know that IRS excluded the stimulus money as a resource for purposes SSA benefits, as long as the money is spent within 12 months. DHHS should strongly recommend all providers to schedule an interdisciplinary team meeting, as appropriate, with the stimulus money recipients they serve, to draft addenda to their plans addressing the individual's preferences for using the money. As examples, residents choose to use the payment for personal room furnishings, tablets or smart phones to communicate with families and friends, or other purchases of their choosing. The support team should include involved family members, guardians and/or therapists who have insight on assistive technology needs, and Money Follows the Person (MFP) transition specialists if transition is being considered.

I am available to discuss further should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Knowlton Marcus". The signature is fluid and cursive, with a prominent initial "V" and a stylized "M" at the end.

Virginia Knowlton Marcus
CEO, Disability Rights North Carolina