



**Q&A ON HEALTHCARE WORKER
BONUS PROGRAM:
EARLY INTERVENTION**

FREE WEBINAR

Tuesday, October 11, 2022
3:30pm - 4:30pm



Healthcare Worker Bonus

El Providers
October 11, 2022



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Background

- ▶ \$1.2 billion in funding has been set aside for the HWB
- ▶ Located within Part ZZ of Chapter 56 of the Laws of 2022, the HWB allows for the payment of bonuses to recruit, retain, and reward healthcare workers meeting certain eligibility requirements
- ▶ Bonuses can be up to \$3,000 per eligible employee, based upon hours worked during designated vesting periods
- ▶ Performed a full training in August ([see link here to watch](#))
- ▶ Some clarification since then, but no specific regulations released regarding EI providers

Qualified Employers

- ▶ **Q. Please clarify the criteria necessary for an employer to be subject to the Healthcare Workforce Bonus (HWB) Program?**
- ▶ **A.** The HWB statute provides two separate definitions of qualified employers, both of which are subject to the requirements of the HWB program.
 - See [SOS § 367-w\(2\)\(b\) and \(c\)](#).
- ▶ Under paragraph (2)(b), an employer is subject to the HWB program if they meet all of the four following criteria:
 1. They are a Medicaid enrolled provider;
 2. They bill for Medicaid services (either through FFS, managed care, or a 1915(c) waiver);
 3. Employ at least one eligible employee;
 4. **A. Are included in the list of provider and facility types in the statute, OR**
B. Are subject to a certificate of need (CON) process, OR
C. The provider serves at least 20% Medicaid enrollees.
- ▶ The Department of Health is not prescribing a specific methodology to determine the 20% Medicaid threshold criteria. Employers must determine whether their organization complies with this requirement as part of the employer attestation required for HWB claim submission.

Qualified Employees

- ▶ Employees must meet the following eligibility criteria:
 - ▶ They must be continuously employed throughout a vesting period
 - ▶ Must have an eligible worker title
 - ▶ Cannot have an annualized base salary (exclusive of bonuses and OT pay) in excess of \$125,000 (\$62,500 per vesting period)
 - ▶ Must complete an employee attestation
 - ▶ Must retain
 - ▶ Document failure to obtain or employee refusal
 - ▶ Must not be suspended or excluded from the Medicaid program during the vesting period
 - ▶ Look to Consolidated Fiscal Report Appendix R for description of employee position title codes

Qualified Employees

- ▶ Assistant Program or Assistant Site Director
- ▶ Case Manager – Service Coordinator
- ▶ Certified First Responders
- ▶ Certified Recovery Peer Advocate
- ▶ Clinical Coordinator
- ▶ Counselor- Alcoholism and Substance Abuse
- ▶ Counseling Aide/ Assistant - Alcoholism and Substance Abuse
- ▶ Counselor - Rehabilitation
- ▶ Dental Hygienists
- ▶ Dental Assistants
- ▶ Diagnostic Medical Sonographers
- ▶ Dietician/Nutritionist
- ▶ Exercise Physiologists
- ▶ Intake/Screening
- ▶ Licensed Mental Health Counselor (OASAS)
- ▶ Licensed Mental Health Counselor (OCFS)
- ▶ Medical Assistants
- ▶ Mental Hygiene
 - ▶ Behavior Intervention Specialist 1
 - ▶ Behavior Intervention Specialist 2
 - ▶ Counselor
 - ▶ Crisis Prevention Specialist
 - ▶ Developmental Disabilities Specialist QIDP-Direct Care
 - ▶ Developmental Disabilities Specialist
 - ▶ Habilitation Specialist QIDP-Clinical
 - ▶ Early Recognition Specialist
 - ▶ Intensive Case Manager
 - ▶ Intensive Case Manager/Coordinator
 - ▶ Job Coach/Employment Specialist
 - ▶ Licensed Psychoanalyst
 - ▶ Licensed Mental Health Counselor Manager
 - ▶ Peer Specialist
 - ▶ Residential Treatment Facility (RTF) Transition Coordinator
 - ▶ Senior Counselor
 - ▶ Supervisor
- ▶ Mental Hygiene Workers
- ▶ Nurses
 - ▶ Licensed Practical and Licensed Vocational Nurse
 - ▶ Licensed Practical Nurse
 - ▶ Nurse Anesthetist
 - ▶ Nurse Midwives
 - ▶ Nurse Practitioner
 - ▶ Nurse Practitioner/Nursing Supervisor
 - ▶ Nurse's Aide/Medical Aide
 - ▶ Nursing Assistants
 - ▶ Registered Nurse
- ▶ Orderlies
- ▶ Orthodontist
- ▶ Other Clinical Staff
- ▶ Other Direct Care Staff
- ▶ Paramedic
- ▶ Peer Paramedic Professional-Non-CRPA (OASAS Only)
- ▶ Pharmacist
- ▶ Pharmacist tech
- ▶ Phlebotomist
- ▶ Physician Assistant
- ▶ Program or site Director
- ▶ Prosthetist
- ▶ Psychiatric aide
- ▶ Psychologist (Licensed)
- ▶ Psychologist (Master's Level)/Behavioral Specialist
- ▶ Psychology Worker/Other Behavioral Worker
- ▶ Residence/Site Worker
- ▶ Social Worker Licensed
- ▶ Social Worker Masters Level
- ▶ Speech-Language Pathologists
- ▶ Therapists
 - ▶ Activity/Creative Arts Therapist
 - ▶ Marriage and Family Counselor/Therapist
 - ▶ Occupational Therapist
 - ▶ Occupational Therapy Assistant
 - ▶ Occupational Therapy Aide
 - ▶ Physical Therapist
 - ▶ Physical Therapy Assistant
 - ▶ Physical Therapy Aides
 - ▶ Radiation Therapist
 - ▶ Recreational Therapist
 - ▶ Respiratory Therapist
 - ▶ Speech Therapist
 - ▶ All Other Therapists
- ▶ Technologists and Technicians
 - ▶ Advanced Emergency Medical Technician
 - ▶ Cardiovascular Technologists and Technician
 - ▶ Clinical Laboratory Technologists and Technician
 - ▶ Dietetic Technician
 - ▶ Emergency Medical Technician
 - ▶ Magnetic Resonance Imaging Technologist
 - ▶ Nuclear Medicine Technologist
 - ▶ Ophthalmic Medical Technician
 - ▶ Radiologic Technologist
 - ▶ Surgical Technologist
 - ▶ All Other Health Technologists and Technicians
- ▶ Therapy Assistant/Activity Assistant

Teachers and Teacher Assistance are not eligible in any capacity

Qualified Employees

▶ Appendix R

▶ Developmental Disabilities Specialist/ Habilitation Specialist QIDP - Clinical (OPWDD Only)

- ▶ All individuals not included in otherwise listed titles with at least a bachelor's degree in an appropriate field from an accredited program and specialized training or one year experience working with developmentally disabled persons engaged in providing or supervising services to program participants and their families.

▶ Behavior Intervention Specialist 1 (OPWDD Only)

- ▶ An individual who assists in the implementation of behavior interventions, supports and services. This position requires a master's from a clinical field of psychology, social work or applied psychology and training in assessment; or BCBA and master's in behavior analysis or closely related field; or a NYS license in mental health counseling with appropriate experiences

▶ Behavior Intervention Specialist 2 (OPWDD Only)

- ▶ An individual who assists in the implementation of behavior interventions, supports and services. This position requires a BCBA and master's in behavior analysis or closely related field; or a master's in clinical treatment field or NYS license in mental health counseling and have approved specialized training in FBAs and BSPs; or bachelor's in human services field, and experience, and is actively working towards graduate degree in applied psychology, social work or special education.

▶ Clinical Coordinator (Does not apply to OPWDD)

- ▶ Responsible for overseeing clinical aspects of the program, including staff supervision and case review.

Qualified Employees

- ▶ **Q. Is there a threshold of hours an employee must work in a 'hands-on clinical' environment to be eligible?**
- ▶ **A.** No, if the employee has an **eligible title** and meets all other statutory requirements, they are eligible.

- ▶ **Q. Are management and supervisors, such as nursing, tech supervisors, dietary supervisors, that otherwise meet all eligible staff criteria eligible for bonuses?**
- ▶ **A.** Management and supervisors that **also** work under an eligible title and otherwise meet all criteria for eligibility may be eligible for the bonus. Management and supervisory responsibilities alone do not disqualify an employee from eligibility.

Qualified Employees

- ▶ **Q. Our system is comprised of multiple employers versus only one employer. An employee who leaves one employer (part of our network) to go to another employer within our network, the employee would not be qualified due to not having continuous employment with the same employer. Is that accurate?**
- ▶ **A.** If the health system has an MMIS ID that is linked to the other employers within the health system, the employee will be eligible even if they transition to another employer within the same health system.

- ▶ **Q. I am an Employer with multiple MMIS IDs. Which should I use to submit for the health care worker bonus?**
- ▶ **A.** Within the [HWB program portal](#), a provider will have the ability to link an MMIS ID to a user account, the provider can then link other associated MMIS IDs to that user account. A provider will then have the ability to submit employees for the bonus based on the associated MMIS ID that best fits the employee's situation. Employers with multiple MMIS IDs should only use one MMIS ID on the HWB Portal system to claim bonus payments.

Qualified Employees

- ▶ **Q. If an employee is paid per diem and their rate of pay exceeds the requirement of \$125,000 annual base salary, but the employee did not work enough to earn the full \$125,000 annual pay, should the employer submit a claim for the bonus where the employee is otherwise eligible?**
- ▶ **A.** An employee's annual base salary is based on the employee's gross wages during the vesting period, not the employee's rate of pay. Employers are expected to obtain the employee attestation and review payroll records to determine if employees' gross wages for the relevant period meets the eligibility requirements.

Qualified Employer/Employee

- ▶ **Q. Would a provider enrolled in the medical assistance program (e.g., hospital, nursing home) ("provider"), who enters into a contract with the supplemental staffing agency ("staffing agency"), be considered an employer (under the statute), with respect to those frontline health care workers (agency staff) who are assigned by the staffing agency to work at the provider's facility on a temporary basis?**
- ▶ **A.** No. Qualified Employers should submit claims for bonuses only for individuals they employ directly or indirectly on a **permanent basis**. Contracted temporary staff that are employed or contracted by a staffing agency or other intermediary entity on a temporary basis are not eligible for the HWB program.

Qualified Employer/Employee

- ▶ **Q. Are contract staff eligible for the bonus? If they are, who is responsible for submitting these staff for a bonus? For example, if a hospital employs staff that fall under one of the eligible titles but are co-employed with a non-healthcare entity, are they eligible for the bonus?**
- ▶ **A.** Permanent contract staff in eligible titles may receive the HWB assuming all other requirements are met. For the purposes of the HWB program, qualified employers that have engaged in staffing arrangements to obtain workforce services (PEOs and other third-parties) for employees engaging in front-line-hands on health care services in eligible employee titles are eligible for the HWB. The qualified employer, not the contracted agencies, must submit bonus claims for staff that perform work for the qualified employer under such arrangements and that otherwise meet the eligibility criteria to be an eligible employee.
- ▶ The qualified employer is required to maintain records that demonstrate the employee was employed for the full vesting period. All qualified Medicaid employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. The qualified 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.

Bonus Requirements

- ▶ Bonuses are calculated as follows:
 - ▶ Average of 20 to 30 hours per week worked during a vesting period - \$500 bonus
 - ▶ Average of 30 to 35 hours per week worked during a vesting period - \$1,000 bonus
 - ▶ Average at least 35 hours per week worked during a vesting period - \$1,500 bonus
- ▶ Disability, FMLA, COVID leave, PTO, etc. are included in the average number of hours per week
- ▶ Overtime hours are excluded
- ▶ A qualified employee is eligible for up to 2 vesting periods per employer, with a maximum bonus of \$3,000 across all employers
- ▶ Claims must be submitted within 30 days of the end of a vesting period (1st and 2nd vesting period are due by October 31, 2022)
- ▶ Employee must complete an employee attestation form prior to the claim submission due date
- ▶ Bonuses must be paid no later than 30 days after the funds are received by the employer from the State
- ▶ Per unit staff (Such as SC)
 - ▶ No clear regulations - follow what you use for NY State/NY City sick pay regulations

Bonus Payments

- ▶ **Q. I am an employer. If I provided a bonus to my eligible employees prior to receipt of payment on the bonus claim, does this satisfy the requirement to pay a bonus under the HWB program?**
- ▶ **A.** No. An employer must identify eligible employees, submit a claim and receive payment from the HWB payment first. Bonuses as required by [Part ZZ of Chapter 56 of the Laws of 2022](#) can only be paid to employees *after* claims are received, reviewed and payment is received by the employer through eMedNY or SFS.

Vesting Schedule

- ▶ 10/1/21 to 3/31/22 - Claim must be submitted between 10/1/22 and 10/31/22
- ▶ 4/1/22 to 9/30/22 - Claim must be submitted between 10/1/22 and 10/31/22
- ▶ 10/1/22 to 3/31/23 - Claims must be submitted between 4/1/23 and 5/1/23
- ▶ 4/1/23 to 9/30/23 - Claims must be submitted between 10/1/23 and 10/31/23
- ▶ 10/1/23 to 3/31/24 - Claims must be submitted between 4/1/24 and 5/1/24

Vesting Schedule

Q. Are employers obligated to pay the HWB bonus to former employees?

A. Employers may be obligated to pay former employees that are eligible and vested while in their employment provided that the employee did not terminate his or her employment with the employer prior to the due date for payment of the bonus. The following table shows when the employer must provide the bonus payment.

Seperation Facts	Employee is Eligible	Employee is Not Eligible
Vesting Period for Employee Attestation The employee vested, was employed at the time of the claim, and the employee continues to be employed when the employer receives the bonus payment.	✓	
The employee vested, was employed at the time of the claim, and stays with the employer for at least 30 days after the employer received the bonus payment. The employer fails to pay the bonus within 30 days of receipt, then the employee leaves.	✓	
The employee vested and before the employer submits a claim the employee is terminated by the employer.	✓	
The employee vested, was employed at the time of the claim, and then the employee is terminated by the employer.	✓	
The employee vested but the employee quits the employer prior to the bonus being claimed.		✓
The employee vested, was employed at the time of the claim but the employee left before the employer receives the bonus payment.		✓
The employee vested, was employed at the time of the claim and when the employer received the payment, but the employee leaves less than 30 days after the employer received the payment.		✓

Taxes

- ▶ **Are HWB bonus payments exempt from New York State and local income tax?**
- ▶ **A.** Yes, the HWB bonus payments to employees is exempt from both NYS and local income tax (in municipalities such as New York City).
- ▶ Need to communicate with your payroll service

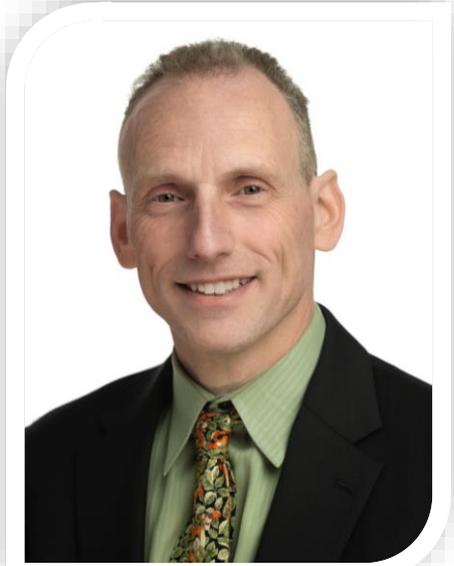
Submission

- ▶ Must complete an employer attestation form
- ▶ Must complete excel template ([click to download Excel file](#))

Audit & Penalties

- ▶ The OMIG will be auditing payments released by eMedNY
- ▶ A qualified employer who fails to identify, claim, and/or pay any bonus for more than 10% of bonus eligible workers may be subject to penalties of up to \$1,000 per violation

Thank you!



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