



MIKE HUNTER
ATTORNEY GENERAL

May 27, 2020

Administrator Steven Buck
Care Providers Oklahoma
1201 North Harvey Avenue
Oklahoma City, OK 73103

Re: COVID-19 related stimulus checks of Medicaid recipients living in nursing home or assisted living facilities

Dear Administrator:

I hope this letter finds you, your staff and residents healthy and safe.

It is being reported around the country that some nursing homes and assisted living facilities have required their residents receiving Medicaid to sign over their COVID-19-related stimulus funds to the facility where they live.

While my office has not received any complaints at this time of this happening in Oklahoma, this letter is to provide you and your facility with information about the law regarding COVID-19-related stimulus funds in the hopes of preventing you from making this mistake.

According to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, **the economic impact payments are considered a tax credit.¹ Tax law exempts tax credits from federal benefits programs, such as Medicaid.²**

In short, taking these funds is illegal. If you or your facility have received these funds from any Medicaid recipient, we ask that you return the funds to the resident to avoid legal action.

¹ See Congressional Research Service Report re: COVID-19 and Direct Payments to Individuals: Summary of the 2020 Recovery Rebates/Economic Impact Payments in the CARES Act (P.L. 116-136) at https://crsreports.congress.gov/product/pdf/IN/IN11282?fbclid=IwAR1qG1Vi_8643ex9FR2pgsflEaf1jVRkDsFdNOH9fYWgE5Ce5ic4.

² See the Federal Trade Commission Consumer Information at <https://www.consumer.ftc.gov/blog/2020/05/did-nursing-home-or-assisted-living-facility-take-your-stimulus-check>; See also 26 U.S.C. § 6409 (Refunds disregarded in the administration of Federal programs and federally assisted programs).

I know during this time we all want what's best for Oklahomans, especially those who are already vulnerable. If you have any questions, do not hesitate to contact my office, via the Medicaid Fraud Control Unit at (405) 522-2963.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Hunter". The signature is stylized and cursive.

Mike Hunter
OKLAHOMA ATTORNEY GENERAL