

Offices in
Elizabeth City, Portsmouth,
and Virginia Beach
Tel: 757-399-7506
Tel: 252-722-2890
Fax: 757-397-1267
Web: www.oasthook.com



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Special needs require special lawyers.

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Editor
Sandra L. Smith,
Certified Elder Law Attorney

STIMULUS PAYMENTS FOR SENIORS AND PERSONS WITH DISABILITIES

The American Recovery and Reinvestment Act of 2009 (ARRA or Stimulus Bill) includes a one-time payment of \$250 to anyone who received any kind of Social Security benefit, including retirement, survivors and disability benefits, Railroad Retirement or Veterans Administration (VA) disability compensation or pension benefits during November 2008, December 2008, or January 2009. Most people who receive Supplemental Security Income (SSI) will also receive the one-time payment; however, persons in nursing homes who receive a monthly SSI benefit of \$30 will not receive the payment. Most payments will go out this month and all should be received by June 4, 2009. Children receiving Social Security benefits who are under the age of 18 (or 19 if still in high school), will not be eligible for the payment; however, adult children who receive disability payment on a parent's record will receive a payment. Additionally, children who receive SSI will receive a payment.

Eligible recipients will receive a notice regarding the payment. The payment will go to the recipient using the same means as the regular benefit. For example, if the usual monthly benefit is directly deposited to a bank account, the one-time payment will also be directly deposited. If the usual payment arrives by mail, the extra payment will be mailed as well.

If a person is in a nursing home, and the usual monthly benefit is sent to the nursing home, then the one-time payment will be sent to the nursing home as well. According to ARRA, the nursing home must set aside the \$250 payment for the nursing home resident to use as the resident sees fit. The law specifically states that "The entire payment shall be used only for the benefit of the individual who is entitled to the payment." The nursing home is not permitted to keep the funds and apply them toward the resident's nursing home costs. The Centers for Medicare and Medicaid Services (CMS) has advised nursing home surveyors about the one-time payment and residents' rights to the payment.

The one-time payment will not count as income for federal, state or local benefits. The amount is also excluded as a resource in the month in which it is received, and for the following nine months without being taken into account for purposes of determining eligibility for Medicaid. If the funds are not spent by the end of the ten month period, then the remaining funds will be counted as a resource. The payment will not count as earnings for Social Security disability benefits. Additionally, the payment also will not count as gross income for income tax purposes.

If an eligible Social Security recipient does not receive the one-time payment by June 4, 2009, then the recipient can phone the Social Security toll-free number at 1-800-772-1213. A word of warning to eligible recipients: If anyone phones or e-mails you asking for personal information to process your payment, do not provide the caller with this information. If you are unsure about the identity of someone claiming to be a representative of the Social Security Administration, then phone 1-800-772-1213 to verify the call. You may report suspicious activity involving Social Security programs and operations to the Social Security Fraud Hotline at www.socialsecurity.gov/oig/hotline, or call 1-800-269-0271.

To find out more about the one-time payment, you can contact the following agencies:

For Social Security or SSI recipients, visit www.socialsecurity.gov.

For Railroad Retirement recipients, visit the Railroad Retirement Board (RRB) at www.rrb.gov or call 1-877-772-5772. You will receive your one-time payment from RRB; you do not have to do anything in order to receive your payment.

For VA benefit recipients, visit www.va.gov or contact your local VA facility for more information. You will receive your payment from the VA, and you do not have to do anything in order to receive your payment.

Ask Allie

O&H: Allie, now that the warmer days of spring have arrived, many pet families are working in the yard and garden. Do you have some tips so they can keep their yards and gardens safe for pets?

Allie: Sure! There are several potential hazards for pets, and children, around the house and yard. Some of the more common hazards are chemicals from insecticides to fertilizers. Veterinarians do recommend that yards be treated for pests, such as fleas and ticks, but it is essential that label instructions are followed exactly regarding safety measures for your pets. Apply them only in the amounts suggested, and follow the prescribed time frames regarding when it is safe for pets to return to the yard after application. Pets can be harmed not only by oral ingestion, but also through skin contact. Be sure to store products out of reach when not in use. Baits for snails and slugs, gophers and moles

can be potentially fatal if ingested; you should use extreme caution or avoid using these products, if possible. If you think your pet has ingested any hazardous substance, then seek veterinary attention immediately and bring the product labels, if possible. You should also choose plants, mulch, and other groundcovers that are nontoxic through either direct contact or consumption, especially if you have puppies or kittens. Hmm, all this talk about working in the yard has me ready for my nap! See you next week!



Please feel free to e-mail your pet- and animal-related questions to Allie at: allie@oasthook.com.

Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at mail@oasthook.com, telephone us at 757-399-7506, or fax us at 757-397-1267.

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