



# Supplemental Security Income (SSI) in Residential Care Facilities RCFE / Assisted Living

## What is SSI/SSP?

Supplemental Security Income/State Supplementary Payment (SSI/SSP) is a program funded by the federal and state governments to guarantee a minimum monthly income to single persons and couples who are aged (65 +), blind or disabled, and have limited income and resources. Certain resources are exempt, such as a car, and a house of any value, if it is the recipient's primary residence. **The resource limits are \$2000 for an individual and \$3000 for a couple.** Countable resources over these limits will make a person or couple ineligible.

Eligibility for Supplemental Security Income/State Supplementary Payment (SSI/SSP) also makes one eligible for Medi-Cal.

Medi-Cal eligibility is a valuable resource because coverage includes hospital and nursing home care, as well as doctor's care, home health, medications, Medicare deductibles and co-payments, and Part B premiums (Refer to CANHR's Fact Sheets on Medi-Cal). Please remember: Medi-Cal still does not pay for residential care in California except on a limited basis through the Assisted Living Waiver (ALW) (See CANHR's fact sheet on the ALW).

## Does SSI/SSP Pay for Residential Care?

**Yes.** There is a special non-medical Board and Care rate that is higher than the regular SSI rate for persons living independently in homes or apartments.

## What is the SSI/SSP Benefit Amount?

As of January 2009, the maximum SSI/SSP Non-Medical Board and Care benefit is \$1,086 for an individual and twice that amount for a couple living in the same Residential Care Facility for the Elderly (\$2,172).

## How Much Can the Facility Charge Someone on SSI/SSP?

The law does not allow facilities to charge more than the amount set by the state. The SSI/SSP recipient is allowed to keep a portion of the SSI/SSP benefit for personal expenses, which is called the Personal and Incidental Needs Allowance (P & I). As of January 2009, this amount is \$125 for an individual and \$250 for a couple.

Of the \$1,086 benefit, a single person must pay \$961 to the facility as rent, and may keep \$125 as his/her P & I Allowance. If you and your spouse are both on SSI/SSP and living in the same facility, you will be paid \$2,172 in SSI/SSP, and you must pay \$1,922 to the facility. You and your spouse may then keep \$250 each month.

**Note:** If the SSI/SSP recipient has other income besides SSI/SSP, the facility may charge an extra \$20 if it is stated in the resident's Admission Agreement, e.g. \$981 for an individual. The resident is required

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to use all of his/her retirement and SSI/SSP funds, except for the P & I Allowance, to pay the facility each month.

**Example:** John is age 67, not married, and lives in an RCFE. His Social Security Retirement benefit is \$600. The Social Security Administration (SSA) excludes \$20 of his income in determining his SSI/SSP benefit, which brings his countable income down to \$580. Because he is older than 65, and his income is less than the SSI/SSP benefit rate of \$1,086, he will be eligible for SSI/SSP in the amount of \$406 (\$1,086 - \$580 = \$406). Each month John must pay the facility a minimum of \$961, or if his signed agreement allows for an extra charge, and he has additional income, he might pay as high as \$981. He would be able to keep at least \$125 for personal use.

## What Happens If Only One Spouse Needs Residential Care?

**Each spouse is treated as an individual** for purposes of SSI/SSP eligibility. Therefore, it is possible for both the spouse at home and the spouse in the residential care facility to receive SSI/SSP benefits. Each would have a \$2,000 resource limit.

## Do Residential Care/Assisted Living Facilities Accept or Keep Persons on SSI/SSP?

**Yes, but** fewer and fewer facilities are willing to take the low payment rate. If a person has low personal care needs, some facilities are more willing to admit someone on SSI/SSP.

If a person becomes eligible for SSI after admission, the RCFE must lower its monthly charge to the appropriate SSI rate, either \$961 or \$981. Section 87464(e) of Title 22 of the California Code of Regulations states: "If the resident is an SSI/SSP recipient, then the basic services shall be provided and/or made available at the basic rate at no additional charge to the resident." See CANHR's fact sheet on Eviction Protections for more information on this issue.

Be on alert when care needs increase because residents on SSI/SSP are more vulnerable than private pay residents for eviction actions.

## Can the Facility Require Families to Supplement SSI/SSP?

**No.** RCFEs must accept the SSI rate as payment in full.

However, **families or other parties can make voluntary contributions** to the facility on behalf of the resident. These voluntary contributions cannot be part of the formal admission agreement, **and if not paid cannot be grounds to evict a resident.**

In order to protect the resident's SSI/SSP eligibility, **contributions must be made directly to the facility** and must be used only for personal care services (not for shelter or food) in order to prevent a loss of eligibility or a reduction in the SSI/SSP benefit amount.

## Where Do You Apply for SSI Non-Medical Board & Care?

Apply at the nearest **Social Security Administration Office**. Besides documentation regarding income and resources, you must bring proof that a person has signed a contract (admission agreement) or is already a resident in a Residential Care Facility for the Elderly.

*The most pertinent laws are found in California Health & Safety Code, Sections 1501, 1531, 1568.02, 1568.072, 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, 1569.313 and Welfare & Institutions Code, Section 12350. The most relevant regulations are in the California Code of Regulations, Title 22, Division 6, Sections 81060(a), 85060(a), 87464(e), 87860(b).*