

**RCFEs and SSI: Fact vs. Fiction?**

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

Supplemental Security Income/State Supplementary Payment (SSI) is a program funded by the federal and state government that guarantees a minimum monthly income to people who are over 65, blind or disabled, and have limited income and resources. If an RCFE resident receives SSI, California law limits the monthly rate that the facility may charge the SSI recipient.

Under 2018 SSI payment rates, an RCFE resident with no income other than SSI will receive \$1,173.37 per month, and must pay the RCFE \$1,039.37 per month. This leaves the resident with \$134 per month for personal needs (\$1,173.37 - \$1,039.37 = \$134). If the RCFE resident has other income besides SSI, the RCFE may charge the resident an extra \$20 per month, e.g., \$1,059.37, but only if it is stated in the RCFE's Admission Agreement.

	
An RCFE can charge more than the SSI monthly rate to a resident who is an SSI recipient.	An RCFE may not charge a resident who receives SSI more than the SSI monthly rate. Section 87464(e) of Title 22 of the California Code of Regulations states that if a resident is receiving SSI, “then the basic services shall be provided and/or made available at the [SSI] basic rate at no additional charge to the resident.”
An RCFE can charge more than the SSI monthly rate to a resident who was not on SSI when the resident entered the facility, but later became an SSI recipient.	When a resident becomes an SSI recipient after admission to an RCFE, the RCFE must continue to provide basic services to the resident at the SSI monthly rate. DSS Evaluator Manual Section 87224(a)(1) <a href="http://www.cald.ca.gov/res/pdf/RCFE.pdf">www.cald.ca.gov/res/pdf/RCFE.pdf</a> . After the resident becomes an SSI recipient, the RCFE must lower its fees to the SSI monthly rate.
An RCFE can charge more than the SSI monthly rate to an SSI recipient whose family stops making voluntary contributions to the facility.	Although an RCFE may not charge a resident receiving SSI more than the SSI monthly rate, California law allows a family member or friend to make a “voluntary contribution” to the RCFE. California Code of Regulations, Title 22, Section 87464(e)(1). However, the RCFE is required to provide necessary services to a resident receiving SSI at the SSI monthly rate, whether or not a family member or friend makes a voluntary contribution.

<b>FACT</b>	<b>FICTION</b>
<p>An RCFE can evict a resident for nonpayment when the resident runs out of savings and becomes an SSI recipient, and reduces his or her payment to the SSI monthly rate.</p>	<p>An RCFE must provide basic services to a resident receiving SSI at the SSI monthly rate, no matter when the resident became an SSI recipient. Accordingly, an RCFE cannot evict a resident for nonpayment when, due to declining resources, the resident becomes an SSI recipient and reduces his or her payment to the SSI monthly rate. DSS Evaluator Manual Section 87224(a)(1) <a href="http://www.cald.ca.gov/res/pdf/RCFE.pdf">www.cald.ca.gov/res/pdf/RCFE.pdf</a>.</p>
<p>An RCFE can require a resident to waive his or her right to receive SSI benefits in its Admission Agreement.</p>	<p>Admission Agreement language which requires a resident to waive his or her right to receive SSI is illegal and unenforceable. (See, e.g., California Health &amp; Safety Code Sections 1569.883(b), 1569.884(e), 1569.888(a); California Welfare &amp; Institutions Code Sections 11006.9, 12002, 12004, 12350; California Code of Regulations, Title 22, Sections 87464(e).)</p>

For more information regarding RCFEs and SSI, including how to apply for SSI, see our fact sheet at [http://canhr.org/factsheets/rcfe\\_fs/html/rcfe\\_ssi\\_fs.htm](http://canhr.org/factsheets/rcfe_fs/html/rcfe_ssi_fs.htm).