

## RCFEs: Supplemental Security Income (SSI)

### What is SSI?

Supplemental Security Income/State Supplementary Payment (SSI) 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. The resource limits are \$2000 for an individual and \$3000 for a couple. Certain resources are exempt, such as a car, and a house of any value, if it is the recipient's primary residence. Countable resources over these limits will make a person or couple ineligible.

Eligibility for SSI 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](#)).

### What is the SSI Benefit Amount for a Person Living in an RCFE?

The SSI program has a special RCFE rate known as the Non-Medical Out-of-Home Care Rate (NMOHC) that is higher than the regular SSI rate for persons living independently in homes or apartments.

The maximum NMOHC benefit as of 1/1/23 is \$1,492.82 for an individual, and twice that amount for a couple living in the same RCFE (\$2,985.64). [[PIN 22-10-CCLD](#)]

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

The law does not allow facilities to charge more than the SSI facility rate set by the state. [California Code of Regulations, Title 22, section 87464(e)] The 2023 SSI facility rate is \$1,324.82 for an individual, and \$2,649.64 for a couple living in the same RCFE. [[PIN 22-10-CCLD](#)]

A single person living in an RCFE and eligible for SSI would receive the \$1,492.82 NMOHC benefit, pay \$1,324.82 to the facility for rent, and keep \$168 as their Personal and Incidental Needs Allowance (PNA). A couple both on SSI/SSP and living in the same facility would receive the NMOHC rate of \$2,985.64, pay \$2,649.64 to the facility for rent, and keep \$336 each month as their PNA.

Note: If the SSI recipient has other income besides SSI, the facility may charge an extra \$20 if it is stated in the resident's Admission Agreement, e.g. \$1,344.82 for an individual. [See [PIN 22-10-CCLD](#)] The resident is required to use all of his/her retirement and SSI funds, except for the PNA, 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 excludes \$20 of his income in determining his SSI benefit, which brings his countable income down to \$580. Because he is older than 65, and his income is less than the SSI benefit rate of \$1,492.82, he will be eligible for SSI in the amount of \$912.82 ( $\$1,492.82 - \$580 = \$912.82$ ). Each month John must pay the facility \$1,324.82, or if his signed agreement provides for an extra charge, he might pay as high as \$1,344.82. He would be able to keep at least \$168 for personal expenses.

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

Each spouse is treated as an individual for purposes of SSI eligibility. Therefore, it is possible for both the spouse at home and the spouse in the RCFE to receive SSI benefits. Each would have a \$2,000 resource limit, but the individual in the RCFE would receive the higher NMOHC rate.

### **Will an RCFE Admit a Person Who is on SSI?**

Yes, but fewer and fewer facilities are willing to take the low payment rate, and the law does not require facilities to admit SSI recipients. If a person has low personal care needs, some facilities are more willing to admit the person.

### **What if a Person Becomes an SSI Recipient After Admission to an RCFE?**

If a person becomes an SSI recipient after admission, the RCFE must lower its monthly charge to the appropriate SSI rate, either \$1,324.82 or \$1,344.82. 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 are more vulnerable than private pay residents to eviction actions.

### **Can the Facility Require Families to Supplement SSI?**

No. RCFEs must accept the SSI rate as payment in full. [California Code of Regulations, Title 22, section 87464(e)]

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 eligibility, contributions must be made directly to the facility and must be used only for personal care services (not for shelter or food) to prevent a loss of eligibility or a reduction in the SSI benefit amount.

### **Where Can a Person Apply for SSI?**

Apply at the nearest Social Security Administration Office. To obtain the higher NMOHC rate, in addition to documentation regarding income and resources, you must bring proof that the applicant has signed a contract (admission agreement) or is already a resident in an RCFE.

*The most pertinent laws and regulations are found in the Code of Federal Regulations, Title 20, Part 416, California Welfare & Institutions Code, Sections 12000-12351, California Code of Regulations, Title 22, Section 87464. The 2022 NMOHC rates are set forth in PIN 21-23-CCLD (November 19, 2021).*