

NYS Healthcare Worker Bonus Program Frequently Asked Questions (FAQ)

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General

Q. What is the Healthcare Worker Bonus (HWB) Program?

A. As part of the 2022-2023 enacted New York State Budget, Governor Hochul and the State Legislature allocated \$1.2 billion in funding to the NYS **Healthcare Worker Bonus (HWB)** program for the payment of bonuses for certain frontline healthcare workers as [Part ZZ of Chapter 56 of the Laws of 2022](#).

The HWB provision allows for the payment of bonuses to “*recruit, retain, and reward health care and mental hygiene workers*” meeting certain eligibility requirements.

Q. Where can I find the details of the HWB Program?

A. Please see [Part ZZ of Chapter 56 of the Laws of 2022](#).

Q: Who is eligible for a health care worker bonus?

A. *Health care and mental hygiene workers that meet each of the following criteria will be eligible for the bonus:*

- The employee works for a qualified employer. A qualified employer is defined in SOS § 367-w(2)(b) and (c).
- Assuming an employee works for a qualified employer, the eligible employee must:
 - Be in an eligible title listed in SOS §367-w(2)(a)(i)-(iii).
 - Receive an annual base salary of \$125,000 or less (excluding any bonus or overtime pay paid by the employer).
 - Be employed by an eligible provider during the entire “vesting period.”
 - Not be suspended or excluded from participation in the Medicaid program.
 - Work for a qualified employer for the required number of hours during the vesting period to be eligible for the bonus.

The **employer** must evaluate and attest to whether they and/or any of their employees meet the eligibility criteria.

Q. Is the data I submit to the HWB Portal kept secure?

A. Yes. The HWB portal is compliant with New York State and Federal Security Standards. Data submitted to the HWB portal will be kept within a secure environment for up to seven (7) years. After the retention period, the Department of Health will be required to destroy the data and obtain a Certificate of Destruction from an IT Asset Disposition (ITAD) service provider ensuring the data has been destroyed in compliance with all applicable laws and industry standards.

Q. Should Governmental entities that are not State entities submit bonus claims in the portal for their eligible employees?

A. Yes, governmental entities that are not State entities (i.e. County nursing homes) and do not employ State employees should submit claims in the portal for their eligible employees.

Attestation

Q. What is the employer attestation process?

A. The bonus claim process requires all qualified employers to electronically sign an attestation that acknowledges they understand and have determined that each employee the employer included in the claiming process is eligible to receive the Healthcare Worker Bonus. Those requirements are found in section 367-w of the Social Services Law, and other guidance pertaining to the HWB.

Employers must download a copy of the [HWB Employer Attestation](#), which can also be found on the [HWB Program Portal](#).

Q. What is the Employee Attestation Process?

A. The bonus claim process requires all qualified employees to sign an attestation that confirms their wages from all sources in connection with their eligibility for the workforce bonus.

Employers must download a copy of the [HWB Employee Attestation](#), which can also be found on the [HWB Program Portal](#).

An employee attestation for each employee must be signed by the employee and maintained by the employer.

Q. Can employee attestations be submitted electronically to the employer?

A. Yes, employee attestations may be submitted electronically.

Q. Could the Department provide additional guidance regarding the employee attestation?

A. The information below offers further details on employee attestations:

- Employers must collect employee attestations prior to submitting a bonus claim for the employee.
- Employers must retain the signed attestations from employees, but do not need to submit to the State unless explicitly requested to do so.
- If an employee fails to or refuses to sign the attestation but are otherwise eligible, employers should retain the documentation on why the employee is eligible but declines to provide the signed attestation.
- Employers, if they choose, may collect employee attestations covering October 2021 – September 2022 to allow those employees to only attest once.

- Employers should submit claims for employees under the MMIS ID that is most appropriate for their employment situation. Therefore, the employee attestation should indicate the MMIS ID where the employee primarily works.

Eligibility (Qualified Employers)

Q: Who is a qualified employer?

A: Please refer to the [Qualified Employer Section](#) of the Department of Health HWB Program website for additional information.

Q. What employees working for qualified employers are eligible to receive the bonus?

A. A list of qualified employees and worker titles has been posted [here](#).

Q. If an employee lives outside of New York State, are they eligible for the bonus?

A. A qualified employee who works for a qualified employer is eligible for the bonus regardless of state residency.

Q: Is the bonus for the Home Attendants/Aides? Are any staff for CHHAs, LHCSAs and FIs included?

A: Homecare aides are not an eligible title for the Bonus Program as they will be eligible for increased minimum wage payments pursuant to PHL 3614-f. As such, employees of Article 36 entities that fall under such titles (e.g., home health Aide, Personal Care assistant, home maker, etc.) are not eligible for the Bonus. However, certain Article 36 entities, such as Certified Home Health Agencies (CHHAs) and Licensed Home Care Services Agencies (LHCSAs), may employ eligible titles (e.g., Nurses, PT/OT Therapists, Speech Pathologists, etc.) that provide hands-on services, and may be eligible for the bonus if they meet all of the employee eligibility requirements. Fiscal Intermediaries under SOS section 365-f do not employ eligible titles that provide hands-on services, and so are not subject to the requirements under the Bonus program.

Q. I am a non-Medicaid provider, am I eligible for a bonus?

A. According to [Part ZZ of Chapter 56 of the Law of 2022](#), eligible employers are those who include certain providers with at least one employee, and that bill for services under the Medicaid state plan or a home or community-based services (HCBS) waiver, providers that have a provider agreement to bill for Medicaid services provided or arranged through a managed care organization or a managed long term care plan, and certain educational institutions and other funded programs. These include certain providers, facilities, pharmacies, and school-based health centers licensed under the state Public Health Law, Mental Hygiene Law, and Education Law, as well as certain programs funded by the Office of Mental Health (OMH), Office for the Aging, Office of Addiction Services and Supports (OASAS), and the Office for People with Developmental Disabilities (OPWDD).

Please note that the education and state operated facility portion of the bonus program will rollout in Fall. **If your organization does not pertain to the above, you are unfortunately not eligible at this time.**

Q: Would a provider enrolled in the medical assistance program (e.g. hospital, nursing home) (“provider”), who enters into a contract with the supplemental staffing agency (“staffing agency”), be considered an Employer (under the statute), with respect to those front-line healthcare workers (agency staff) who are assigned by the staffing agency to work at the provider’s facility on a temporary basis?

A: No. Qualified Employers should submit claims for bonuses only for individuals they employ directly or indirectly on a permanent basis. Contracted temporary staff that are employed or contracted by a staffing agency or other intermediary entity on a temporary basis are not eligible for the HWB program.

See the Question [“Q. Are contract staff eligible for the bonus? If they are, who is responsible for submitting these staff for a bonus? For example, if a hospital employs staff that fall under one of the eligible titles but are co-employed with a non-healthcare entity, are they eligible for the bonus?”](#) for more details.

Q. Please clarify the criteria necessary for an employer to be subject to the Healthcare Workforce Bonus (HWB) Program?

A. The HWB statute provides two separate definitions of qualified employers, both of which are subject to the requirements of the HWB program.

- See [SOS § 367-w\(2\)\(b\) and \(c\)](#)

Under paragraph (2)(b), an employer is subject to the HWB program if they meet all of the four following criteria:

1. They are a Medicaid enrolled provider
2. They bill for Medicaid services (either through FFS, managed care, or a 1915(c) waiver)
3. Employ at least one eligible employee
4. **A. Are included in the list of provider and facility types in the statute, OR
B. Are subject to a certificate of need (CON) process, OR
C. The provider serves at least 20% Medicaid enrollees**

The Department of Health is not prescribing a specific methodology to determine the 20% Medicaid threshold criteria. Employers must determine whether their organization complies with this requirement as part of the employer attestation required for HWB claim submission.

Q. Please clarify the types of employers eligible for the HWB Program?

A. Paragraph (2)(b) identifies employers eligible for the program, and are limited to:

- Providers and facilities licensed, certified, or otherwise authorized under:
 - articles 28, 30, 36 or 40 of the public health law
 - articles 16, 31, 32 or 36 of the mental hygiene law
 - article 7 of the social services law
- Pharmacies registered under §6808 the education law
- School-based health centers
- Programs funded by the OMH, OASAS, Office of the Aging, or OPWDD, AND
- Other provider types determined by the commissioner and approved by the director of the budget (**at this time no other provider types have been determined**).

If the provider is subject to a certificate of need (CON) process OR the provider serves at least 20% Medicaid enrollees, they are not limited to this list defined in Paragraph(2)(b).

Q. What employer types are subject to the Certificate of Need (CON) process, and thus not required to meet the 20% threshold, but still required to be actively enrolled Medicaid providers?

A. Below is a list of employer types subject to the CON process:

| Employer Types Subject to the CON Process |
|--|
| <i>Hospitals</i> |
| <i>Nursing Homes</i> |
| <i>Diagnostic and Treatment centers</i> |
| <i>Midwifery Birth Centers</i> |
| <i>Ambulatory Surgery Centers</i> |
| <i>Dialysis Providers</i> |
| <i>Certified Home Health Agencies</i> |
| <i>Licensed Home Care Services Agencies</i> |
| <i>Long Term Home Health Care Programs</i> |
| <i>Hospices</i> |
| <i>Adult Care Facilities</i> |

Q. I am not enrolled to receive payments from eMedNY. Am I subject to the HWB program?

A. Paragraph (2)(c) of the statute identifies employers subject to the HWB program even if they are not eligible to receive payments from eMedNY. Entities with at least one eligible employee with programs identified in statute such as OMH, OPWDD, OASAS, OCFS or Municipalities.

Q. I am an employer who is not enrolled to receive payments from eMedNY and am not funded through OMH, OASAS, OCFS or OPWDD, am I subject to the HWB program?

A. With the exception of education and state-operated facilities, who will be eligible in the fall for the bonus program, employers who do are not enrolled to receive payments from eMedNY and are not funded by OMH, OASAS, OCFS or OPWDD are not likely eligible for the program.

Q. Are Providers whose practices that see at least twenty (20) percent Medicaid population qualified providers for the HWB?

A. Yes. Providers are Qualified Employers so long as the employer meets the 20% Medicaid threshold.

Tax Questions

Q. I am an employee, what are the tax implications of the bonus? Is the bonus considered taxable income?

A. Bonus payments paid to a NYS resident are not subject to NYS personal income tax. To determine how the bonus payment may affect your specific situation, please consult with a tax professional.

Q: Would health care worker bonus payments impact an employee's public benefits or other public assistance?

A: No.

Q. Are employees who were out on disability, FMLA, COVID Leave, etc. during the vesting period, but still an active employee, still eligible for the bonus?

A. The use of accruals or other leave, including but not limited to sick, vacation, or time used under the Family Medical Leave Act (FMLA), shall be credited towards and included in the calculation of the average number of hours worked per week over the course of the vesting period.

Q. I am an Employer, what obligation do I have to pay former employees who were otherwise eligible for a bonus and vested while in my employment?

A. Employers may be obligated to pay former employees that are eligible and vested while in their employment *provided that* the employee did not terminate his or her employment with the employer prior to the due date for payment of the bonus. In other words, if the Employer fails to pay the bonus within 30 days of receipt of payment on the bonus claim, the Employee may leave the Employer but the Employer will still be obligated to pay the bonus to the Employee. Please see the [Employee Separation FAQs](#) for more information.

Q. Do the bonuses have to be paid out as payroll or can they be 1099. If they can be 1099, will a form 1099 issued to the employee (under the employee's social security number) for any payment as Federal income tax will most likely be owed?

A. For federal income tax purposes, bonuses are considered supplemental wages and are required to be included as wages on the employee's W-2. See [IRS Publication 15, Employer's Tax Guide](#), and [IRS publication 525, Taxable and Nontaxable Income](#), for more information.

Q. Will the state reimburse employer costs incurred for releasing HWB bonus payments such as FICA and payroll taxes?

A. Yes, employers will receive reimbursement for FICA.

Q. What is the appropriate Federal tax to assign to HWB bonus payments to employees?

A. The Department of Tax and Finance (DTF) recommends employers reference the Internal Revenue Service (IRS) Tax Code – Supplemental Wage Guidance on Page 20 of [2022 Publication 15 \(irs.gov\)](#).

Q. Are HWB bonus payments exempt from New York State and local income tax?

A. Yes, the HWB bonus payments to employees is exempt from both NYS and local income tax (in municipalities such as New York City).

Q. With the knowledge that HWB bonus payments are exempt from New York State and local income tax, how should I reflect that on the check to my employee?

A. As there is no state withholding requirement for employees, employers should coordinate with their payroll vendor to remove state/local taxes for the bonus payments.

Q. Are HWB bonus payments subject to federal or other state taxes?

A. Federal and other State taxes are not exempt from the bonus payment.

Q. We are aware that HWB bonus payments to employees are exempt from New York State income tax for NYS residents. Does the same apply for employees that do not live in NYS but are eligible for the program?

A. Yes, the HWB bonus payments made to eligible employees who live out-of-state are exempt from NYS income taxes.

Q. Should Governmental entities, that meet the definition of qualified employers, but are not State entities submit bonus claims in the portal for their eligible employees?

A. Yes, governmental entities (i.e. County nursing homes), who meet the definition of qualified employers, but are not State entities and who do not employ qualified State employees should submit claims in the portal for their eligible employees.

Payment Issuance

Q. I am a qualified employer. How will I be issued the bonus payments?

A. Medicaid Employers (MMIS ID): Bonuses will be paid as a lump sum and included in qualified employer's weekly Medicaid cycle payment from eMedNY. The bonus payment due to eligible employees will appear under reason code "HWB".

Additionally, the employer share of FICA, calculated at 7.65% of the total bonus amount will appear separately under reason code "FTX".

Non-Medicaid Employers (SFS Vendor ID): Bonuses will be paid to the employer via the State Financial System.

Q. I am a qualified employer. May I keep any portion of the bonus payment?

A. No. A qualified employer shall not keep any portion of the bonus amount. Please note that the FICA portion is not due to the employee but must be remitted on behalf of the employee.

Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?

A. The HWB Portal will notify employers when payment information is available and offer an employee-level remittance for employers via the email employers registered to sign in to the HWB portal. A reason will be provided for any submitted employee whose bonus amount was reduced or rejected during processing. Remittance advice information will also be available on the HWB Portal.

Q. I'm an eligible Employer, I submitted for vesting period one, when should I receive payment?

A. If you submitted for vesting period one, please see the table below for payment information. This table will be updated as information becomes available.

| | | |
|-----------------------------|-------------------|-----------|
| One (8/03/2022 – 9/02/2022) | eMedNY Cycle 2352 | 10/5/2022 |
|-----------------------------|-------------------|-----------|

Q. I am an employer. If I provided a bonus to my eligible employees prior to receipt of payment on the bonus claim, does this satisfy the requirement to pay a bonus under the HWB program?

A. No. An employer must identify eligible employees, submit a claim and receive payment from the HWB payment first. Bonuses as required by [Part ZZ of Chapter 56 of the Laws of 2022](#) can only be paid to employees **after** claims are received, reviewed and payment is received by the

Q. What should I do if I notice or suspect a mistake in an employee’s bonus amount?

A. DOH and OMIG are developing procedures for employers to follow if they identify an overpayment. Please continue to check the FAQ for an update to this Q&A. Please continue to submit claims related inquiries to: NYSWorkersBonus@health.ny.gov.

Q. In the event that I am unable to issue payment to a former employee, or later determine a submitted employee to be ineligible, how do I return an overpayment of HWB

A. DOH and OMIG are developing procedures for employers to follow if they identify an overpayment. Please continue to check the FAQ for an update to this Q&A. Please continue to submit claims related inquiries to: NYSWorkersBonus@health.ny.gov.

Eligibility (Employees)

Q. I am an employee; how can I find out if I am eligible?

A. Employees should contact their employer to determine their eligibility status. In addition, a list of qualified employees and worker titles has been posted [here](#).

Q: Are Medical Residents and Medical Fellows eligible titles for the bonus?

A: Yes, Medical Residents and Medical Fellows have been determined to be eligible titles under the authority provided by SOS § 367-w(2)(a)(iii).

Q: What does “All Other Health Care Support Workers” mean?

A: “All Other Health Care Support Workers” refers to workers that support the provision of health care services to patients in front-line settings for these titles. Such workers must provide patient-facing care provided within a patient care unit of a hospital or other institutional medical setting in support of treating and caring for patients. These titles are included below:

| All Other Patient Facing Care Support Workers in Article 28 Facilities: |
|--|
| <i>Admitting Clerk</i> |
| <i>Admitting Clerk Cashier</i> |
| <i>Ward Clerk</i> |
| <i>Critical Care Clerk</i> |
| <i>Discharge Control Clerk</i> |

Emergency Services Clerk
Front Desk Clerk
Lead Intake Specialist
Operating Room Clerk
Unit Clerk
Ward Clerk
Admitting Clerk
Registration Clerk
Unit Secretary
Unit Associate
Unit Coordinator
Unit Receptionist
Unit Secretary
Unit Assistant
Unit Associate
Ward Clerk
Dietary Aide
Food Prep/Service Worker
Dietary Worker
Dining Assistant
Dining Aide
Dietary Worker
Food & Nutrition Aide
Food Prep/Service Worker
Building Attendant
Building Service Aide
Building Service Worker
Custodian
Environmental Services Worker
Floor Maintenance Worker
Maintenance/Physical Plant workers
Sanitation Worker
Service Worker
Environmental Service Aide/Tech
Maintenance/Physical Plant workers
Support Services Worker
Floor Maintenance Worker
Housekeeping Worker and Maids

Q: What does “various mental hygiene workers” mean?

A: The Mental Hygiene titles listed in the statute at SOS § 367-w(2)(a)(ii) are taken from the title series in the Consolidated Fiscal Reporting and Claiming Manual (CFR), which includes additional descriptions of the referenced titles. The relevant description for titles under the CFR can be found in [Appendix R](#).

Q. Which employers are included in the education sector, which will participate in the October rollout?

A. For school districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities, BOCES, and private institutions of higher education, the healthcare worker bonus portal will open on October 1, 2022.

Q. Are Nursing Homes not enrolled in Medicaid Qualified Employers?

A. Nursing Homes who are not currently enrolled in the Medicaid program would only be Qualified Employers if they have a Vendor ID (and receive payments) through the Statewide Financial System (SFS).

Q. Is there a definition for each job title?

A. The majority of the job titles are pulled directly from the Bureau of Labor Statistics (BLS). The definition of each [BLS job title](#) is available on [O*Net Online](#).

The Mental Hygiene titles listed in the statute at SOS § 367-w(2)(a)(ii) are taken from the title series in the Consolidated Fiscal Reporting and Claiming Manual (CFR), which includes additional descriptions of the referenced titles. The relevant description for titles under the CFR can be found here in [Appendix R](#).

Q. Please clarify the ‘All Other Health Care Support Workers’ section in the eligible title list found on the DOH website https://health.ny.gov/health_care/medicaid/providers/hwb_program/#titles?

A. Employees with titles on this list working in a hospital or institutional setting who **provide patient-facing care** provided within a patient care unit and meet all other criteria for the HWB program are eligible for HWB bonus.

- Employees in titles such as Coders, Billers, Call Center and Security are not eligible
- Clerical/office staff within Certified Home Health are not eligible under the ‘All Other Healthcare Support Workers’ title, which is limited to article 28 institutional facilities.

Q. Is there a threshold of hours an employee must work in a ‘hands-on clinical’ environment to be eligible?

A. No, if the employee has an eligible title and meets all other statutory requirements, they are eligible.

Q. I am employer with staff who support patients via telehealth. Are they eligible?

A. Employees that work remotely but serve patient-facing roles are eligible for the bonus assuming they meet all other statutory requirements.

Q. Are employees who used accruals such as sick, vacation or Family Medical Leave Act (FMLA) eligible for the bonus? How should I calculate their average hours?

A. Employers should calculate accruals as hours worked when loading data in the HWB Portal.

Q. Are employees who resigned prior to the payment of the HWB bonus eligible?

A. Employers may be obligated to pay former employees that are eligible and vested provided that the employee did not terminate employment prior to the due date to pay the bonus.

Q. Can DOH provide guidance on the standard calculation for average weekly hours worked?

A. Employees must have worked 20 hours on average during the 6-month vesting period. Employers should calculate accruals as hours worked when loading data in the HWB Portal. For example, if an employee used 40 hours of vacation accruals during a week, those 40 hours would count towards their average weekly hours. Employers should exclude overtime hours when calculating the average weekly hours. Additional examples will be provided prior to the submission close date, but some common examples have been included below:

| Vesting Period for Employee Attestation | Example Method: Base Salary = Annual Salary divided in half – any bonuses or overtime pay received in the vesting period | Example Method: Base Salary = [Hourly Wage * (Average Hours Worked in Vesting Period – Overtime Hours) * 26 weeks – any bonuses or overtime pay received in the vesting period] |
|--|--|---|
| | Example: Annual Salary = 50K Employers should report Salary as 25K during 6-month vesting period | Example: Earns \$25/Hour and worked 35 Hours per week excluding overtime over the six-month period = \$22,750 (25*35*26) |
| Annual Salary for Submission on HWB Template | Annual Salary | Vesting Period Earnings * 2 |

Q. How should Employers calculate the annualized base salary for a vesting period (See [Vesting Schedule](#))?

A. If an Employee is salaried, Employer should divide their annual salary in half. For example, if employee makes \$50,000 a year their salary during a vesting period would be \$25,000. If an employee is hourly, Employer should use moment in time calculation, for example, employer should calculate salaried earned across all pay periods that occurred during a vesting period.

Q. If an eligible employee makes \$125,000 or less annually but more than \$62,500 during one given vesting period, are they still eligible?

A. The intent of the HWB Program is to fund bonus payments to eligible employees that make \$125,000 or less annually.

For Qualified employers submitting claims for more than one vesting period at the same time (e.g., submitting employee claims for both vesting periods 1 and 2 during the October 2022 claiming window), employers should determine their employees’ eligibility based on whether their employees’ gross wages for both vesting periods were \$125,000 or less. For example, if an employee made \$60,000 in vesting period 1 and \$63,000 in vesting period 2, the employee would be eligible for the bonus for both vesting periods because their gross wages were \$123,000.

Note, where an employee makes *more* than \$125,000 during the first two vesting periods, but meets the income eligibility during a single vesting period (e.g. \$67,000 and \$60,000 for vesting periods 1 and 2, respectively), and the employee is otherwise eligible, the employer should submit a claim for the vesting period in which the employee met the criteria (in this example, for vesting period 2).

Q. If an employee is paid per diem and their rate of pay exceeds the requirement of \$125,000 annual base salary, but the employee did not work enough to earn the full \$125,000 annual pay, should the employer submit a claim for the bonus where the employee is otherwise eligible?

A. Yes. An employee's annual base salary is based on the employee's gross wages during the vesting period, not the employee's rate of pay. Employers are expected to obtain the employee attestation and review payroll records to determine if employees' gross wages for the relevant period meets the eligibility requirements.

Q. Please confirm that nursing certification, shift differential payments (paid as one-time lump-sum payments or as an add-on) should not be considered as part of base salary.

A. Differentials are part of gross wages and should be considered in the calculation of an employee's annualized base salary.

Q. Can an eligible employee that works across multiple employers earn more than \$1,500 in total across all employers from one vesting period?

A. No. Please see question *"How much is the bonus to which eligible employees are entitled?"*

Q. If an eligible "other healthcare support staff" worker is employed by an article 28 institution but works in a non-patient care building, are they eligible?

A. No these employees would not be eligible under the "other healthcare support staff" titles as they work in a setting where patient care is not provided.

Q. If employees do not have an SSN or ITIN, but their SSN is pending, are these staff eligible?

A. Employees must have an SSN or ITIN to be eligible for a bonus. If the employee's SSN or ITIN is pending, the Employer may submit their bonus claim once their SSN or ITIN is active.

Q. Do mental hygiene worker titles (e.g., program site director) also apply to staff types with similar functions in non-mental hygiene settings?

A. The titles under section 367-w(2)(a)(ii) only apply to employers subject to the reporting requirements identified in the [Consolidated Fiscal Report \(CFR\)](#). The CFR manual provides definitions of each title such that an employee that may be classified in a definition of a title may be characterized as that title.

Q. Are "other healthcare support workers" that work at an eligible physician practice eligible for the bonus?

A. No. Workers must provide patient-facing care provided within a patient care unit of a hospital or other Article 28 institutional medical setting in support of treating and caring for patients.

Q. Are volunteers eligible for the bonus, assuming they meet all the other criteria?

A. No. Volunteers are not considered eligible employees under the statute.

Q. Are contract staff eligible for the bonus? If they are, who is responsible for submitting these staff for a bonus? For example, if a hospital employs staff that fall under one of the eligible titles but are co-employed with a non-healthcare entity, are they eligible for the bonus?

A. Permanent, contract staff in eligible titles may receive the HWB assuming all other requirements are met. For the purposes of the HWB program, qualified employers that have engaged in staffing arrangements to obtain workforce services (PEOs and other third-parties) for employees engaging in front-line hands on health care services in eligible employee titles are eligible for the HWB. The qualified employer, not the contracted agencies, must submit bonus claims for staff that perform work for the qualified employer under such arrangements and that otherwise meet the eligibility criteria to be an eligible employee.

The qualified employer is required to maintain records that demonstrate the employee was employed for the full vesting period. All qualified Medicaid employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. The qualified employer must furnish such records upon request to the department, the Office of Medicaid Inspector General (OMIG), the US Department of Health and Human Services, and the deputy attorney general for Medicaid Fraud.

Q. Are residents eligible for the bonus?

A. Yes. As reflected in the prior FAQ regarding the administrative flexibility offered for the Vesting Period 1 and 2 submissions, and in recognition that residents move to other residencies or attending roles around June/July, these employees would be considered eligible under Vesting Periods: 1, 2, 3 and 5. The only vesting period that would present inconsistencies with seasonal changes in employment for residents would be Vesting Period 4.

Q. Our system is comprised of multiple employers versus only one employer. An employee who leaves one employer (part of our network) to go to another employer within our network, the employee would not be qualified due to not having continuous employment with the same employer. Is that accurate?

A. If the health system has an MMIS ID that is linked to the other employers within the health system, the employee will be eligible even if they transition to another employer within the same health system.

Please see response to question [“Q. I am an employer with employees who support multiple MMIS ID’s across our organization, how should I report this employee in the HWB Portal?”](#) for additional information

Q. Are management and supervisors, such as nursing, tech supervisors, dietary supervisors, that otherwise meet all eligible staff criteria eligible for bonuses?

A. Management and supervisors that also work under an eligible title and otherwise meet all criteria for eligibility may be eligible for the bonus. Management and supervisory responsibilities alone do not disqualify an employee from eligibility.

Q. Should State agencies use the online portal to apply for bonuses for their employees, and should State employees complete the employee attestation?

A. State employees should not complete the employee attestation included on this website. The process for payment of bonuses to eligible New York State employees will be detailed in Budget Bulletin issued by the Division of the Budget to be released in the near future.

State agencies should not use this portal to apply for bonuses for their employees. The upcoming Budget Bulletin from the Division of the Budget will provide comprehensive instructions to ensure eligible State employees are paid promptly.

Q. Who is responsible to claim for a Resident that vested during vesting period 1, but graduated in June/July 2022 and is no longer employed by the Employer they were with during vesting period 1?

A. The Qualified Employer that employed the Resident during vesting period 1 is responsible for claiming and paying the bonus. Employers *will* be able to submit claims for Vesting Period 1 during Vesting Period 2.

Please see “Q. I am a qualified employer who is unable to complete my submission of qualified employees in the HWB Portal for Vesting Period 1 by September 2, 2022. Can I submit employees eligible for a bonus for Vesting Period 1 at a later date?” for more details.

Portal Registration and Claims Submission

Q. I am an Employer with multiple MMIS IDs, which should I use to submit for the health care worker bonus?

A. Within the [HWB Program Portal](#), a provider will have the ability to link an MMIS ID to a user account, the provider can then link other associated MMIS IDs to that user account. A provider will then have the ability to submit employees for the bonus based on the associated MMIS ID that best fits the employee’s situation. Employers with multiple MMIS IDs should only use one MMIS ID on the HWB Portal system to claim bonus payments.

Q. Should I use an SFS ID to register on the HWB Portal?

A. Providers who are funded through the following agencies should utilize their SFS ID for applying for bonuses: Office of Mental Health (OMH), Office for the Aging, Office of Addiction Services and Supports (OASAS), and the Office for People with Developmental Disabilities (OPWDD). If you are not funded through the above agencies, you should utilize your Medicaid Management Information System (MMIS ID) number. You can verify your MMIS is active by calling the eMedNY Call Center at (800) 343-9000. Call center representatives are available from 8:00AM to 5:00PM, Monday through Friday.

Please note that the education and state operated facility portion of the bonus program will rollout in Fall. **If the above scenarios do not apply to you, you are likely not an eligible employer according to [Part ZZ of Chapter 56 of the Law of 2022](#).**

Q. I operate under the Office of Mental Health (OMH) how do I obtain my SFS vendor ID?

A. To receive payments from NYS, entities are required to obtain access to the NYS Statewide Financial System (SFS) and have an SFS Vendor ID#.

To obtain an SFS Vendor ID#, please complete the Substitute W-9 Form found here [New York State Substitute Form W-9](#). Once completed please double check that the legal name and TIN

fields are accurate, as discrepancies in these fields will cause processing delays. After you double check the information in the form, please send the signed form to OMHLocalAdminServices@omh.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS user name and password by email. If you do not receive an email within 7 business days, please check your junk folder, and if it is not there please contact OMHLocalAdminServices@omh.ny.gov for a status update.

After the login information is received, SFS functions as a self-service portal where banking information, additional users and additional addresses can be added. For information on the self-service functionality, please see the SFS vendor page found at <https://www.sfs.ny.gov/index.php/vendors> contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

Q. I operate under Office of Addiction Services and Supports (OASAS), how do I obtain my SFS ID?

A. To receive payments from NYS, entities are required to obtain access to the NYS Statewide Financial System (SFS) and have an SFS Vendor ID#.

To obtain an SFS Vendor ID#, please complete the Substitute W-9 Form found here New York State Substitute Form W-9. Once completed please double check that the legal name and TIN fields are accurate, as discrepancies in these fields will cause processing delays. After you double check the information in the form, please send the signed form to the OASAS mailbox B1184Requests@oasas.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS user name and password by email. If you do not receive an email within 7 business days, please check your junk folder, and if it is not there please contact B1184Requests@oasas.ny.gov for a status update.

After the login information is received, SFS functions as a self-service portal where banking information, additional users and additional addresses can be added. For information on the self-service functionality, please see the SFS vendor page found Homepage (ny.gov) or contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

Q. I operate under Office for People with Developmental Disabilities (OPWDD), how do I obtain my SFS ID?

A. Please contact the following mailbox for questions related to OPWDD Providers and the Home Care Worker Bonus Program: central.operations@opwdd.ny.gov. Please use MH Worker Bonus in the subject of the email to ensure a timely response.

Q. Will I receive a remittance advice or information on approved payments?

A. Providers/Employers will see the HWB bonus as a Lump Sum (HWB-HW Bonus) line item on their Medicaid remittance at the same time they normally receive their remittance for an eMedNY claim cycle, whether it's an electronic or a paper remittance. If they receive electronic remittances, they will see the remittance prior to receiving payment. If they receive a paper remit, the paper will accompany the remittance.

In addition, there may be information about the payment on the [HWB Program Portal](#).

Q. I am a qualified employer, do we need to submit additional documents from employees to receive healthcare worker bonus (HWB)?

A. Employers are required to submit their qualified employees' data in a specified data format that will be provided by the department. All qualified Medicaid employers must maintain contemporaneous records tracking all claims submitted for no less than six (6) years. An employer must furnish such records upon request to the department, the Office of Medicaid Inspector General (OMIG), the US Department of Health and Human Services (HHS) and the deputy attorney general for Medicaid Fraud.

Q. I am an Employer with eligible employees, what should I do next?

A. You will need to utilize the following web portal to make the claim. Please go to www.NYSWorkerBonus.com and begin reviewing important instructional information.

Providers enrolled in the NYS Medicaid (eMedNY) system:

Before you do so, please verify that you have an active Medicaid Management Information System (MMIS ID). You can verify your MMIS is active by calling the eMedNY Call Center at (800) 343-9000. Call center representatives are available from 8:00AM to 5:00PM, Monday through Friday.

Providers who are NOT enrolled in the NYS Medicaid (eMedNY) system:

If you do not have an MMIS ID, meaning you are not enrolled in the NYS Medicaid system, you will need to verify that you have a Statewide Financial System (SFS) ID.

The agencies with providers who may not be in NYS Medicaid (eMedNY) system may include: Office of Mental Health, Office for People With Developmental Disabilities, Office of Children and Family Services, Office of Addiction Services and Supports and the New York State Education Department. Once you have confirmed that you are actively enrolled or your SFS ID is active, you can prepare information for submission of reimbursement for eligible employees. More details, including a *Technical User Guide*, can be found within the [HWB Program Portal](#).

Education Sector Employers:

The healthcare worker bonus portal will open for education sector employers on October 1, 2022. **NOTE:** Qualified employers that employ workers paid by the State **should not** claim through the HWB Portal and should instead work through their respective State agency for more details.

Q. What should an eligible Medicaid employer do when they can't register with their Medicaid Management Information System (MMIS ID), or do not have an MMIS ID?

A. Please call the HWB Call Center at 1-866-682-0077. The operating hours are Monday through Friday, 8:00 AM until 5:00 PM.

Q. I am a qualified employer, what is the timeline for submitting for bonus payments for eligible employees?

A. Employers must submit claims for bonus payments within 30-days after the completion of each vesting period as defined by the schedule published by the Department. For the first vesting period, the 30-day claim filing deadline begins on the date the vesting schedule is published. Employers are required to pay bonuses within 30-days of receipt of payment on a claim for each qualified employee. Although employees may be eligible for vesting periods worked in the past

(e.g. 10/1/21 to 3/31/22), the bonuses are not payable until the employer claims and receives payment. Advance payments are not permitted.

Q: I am a qualified employer may I keep any portion of the bonus payment?

A: No. A qualified employer shall not keep any portion of the bonus and any bonus amount not paid to an employee must be returned to the department.

Q: I am a qualified employer and have applied for health care worker bonuses on behalf of my qualified employee(s). I should have received the bonus payment for distribution, who can I call to check on the status of my payment?

A: You may log onto the [HWB Program Portal](#) and review the status of the claims submitted. If additional information is necessary, please call the HWB Call Center at 1-866-682-0077.

Q. I am a qualified employer. When will I be able to claim a bonus for my qualified employee(s)?

A. Please refer to the vesting schedule posted [here](#).

Q: Can you elaborate more on the vesting periods? Is it just any 6-month time period?

A: The “vesting period” is defined in SOS section 367-w(2)(d) as a six-month period between the dates of October 1, 2021 and March 31, 2024 included in a vesting schedule published by the Commissioner. Upon completion of six-months of consecutive employment by an employee with a qualified employer that ends within a vesting period established in the Vesting Schedule, the employer has thirty-days from the end of the vesting period to submit a claim for the bonus payment. See [Vesting Schedule](#).

Q: Is an employer required to provide a bonus to an otherwise eligible employee who has been terminated for cause, whether prior to or after the deadline for the employer’s payment of the bonus?

A. Employers may be obligated to pay former employees who are eligible and vested while in their employment *provided that* their employment was not terminated within thirty (30) days of the Employer receipt of bonus funds. As such, if the employee was terminated after the employer’s payment of the bonus, the employer is still required to pay the bonus to the employee.

Q: What is the employer’s obligation in relation to the bonus, if an employee is promoted within a vesting period from an eligible title to an ineligible title?

A. Upon completion of six-months of consecutive employment by an eligible employee with a qualified employer that ends within a vesting period established in the Vesting Schedule, the employer has thirty-days from the end of the vesting period to submit a claim for the bonus payment. See the [Vesting Schedule](#).

Q: How much is the bonus to which eligible employees are entitled?

A: Employers will pay bonus amounts to qualified employees based on the number of hours worked during the vesting period.

- Qualified employees who work at least 20 hours but no more than 30 hours per week are eligible for a bonus of \$500.
- Qualified employees who work at least 30 hours but no more than 35 hours per week are eligible for a bonus of \$1,000.
- Qualified employees who work at least 35 hours per week are eligible for a bonus of \$1,500.

A qualified employee is eligible for only two vesting periods per employer in an amount equal but not greater than \$3,000 across all employers.

Q. I am an employer with multiple facilities and MMIS ID's. Can I register them together?

A. The HWB Portal is designed to allow multi-site entities with multiple MMIS ID's to register all associated MMIS ID's under a single account. There is no limit on the number of MMIS ID's an employer can register to an account. Reimbursement from eMedNY will be made to the account (EFT)/location (paper check) designated by each MMIS ID registered under that account. Separately, entities with multiple MMIS ID's do have the option should they choose of using a single MMIS for all employee bonus claims.

Q. I am an employer with employees who support multiple MMIS ID's across our organization, how should I report this employee in the HWB Portal?

A. Employees should be submitted once under the MMIS ID where the employee worked the majority of hours in the vesting period. The hours worked at other MMIS ID's should be included in the single submission. Multiple submissions for the employee by the same organization will result in system rejections for duplication.

Large employers with employees who work across multiple tax IDs within (or directly affiliated to) their health system should consider those employees as vested/eligible if they met all the eligibility requirements and were employed for the entire vesting period by the health system. The health system should claim these employees under the applicable tax ID where the employee worked the majority of the time during the applicable vesting period.

Q. I am an employer with an employee that has both an SSN and ITIN, which should I use?

A. Employers should never submit separate claims with the ITIN on one and SSN on the other. An ITIN should only be submitted when the employee does not have a valid SSN.

Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?

A. The HWB Portal will notify employers when payment information is available and offer an employee-level remittance for employers.

Q. As an employer, once I receive payment from SFS or eMedNY, what are my obligations?

A. Employers must reimburse their eligible employees within 30 days of receipt of the HWB payment from the state. Employers have no requirement to release the bonus payments as separate checks, so long as they bonus payment is identifiable to the employee and can be verified on audit.

Q. I am a qualified employer who is unable to complete my submission of qualified employees in the HWB Portal for Vesting Period 1 by September 2, 2022. Can I submit employees eligible for a bonus for Vesting Period 1 at a later date?

A. The Department acknowledges some Providers may not be able to complete Vesting Period 1 claims by the close of the first vesting period (September 2, 2022) For Vesting Period 1 employers *will* be able to submit claims for Vesting Period 1 during Vesting Period 2


- Employers should make every attempt to submit claims for Vesting Period 1 as soon as employee is eligible
- Employers must validate that employee(s) met all other qualifying criteria during the respective vesting period
- The HWB Portal will be closed for submissions from September 3, 2022 – September 30, 2022, but Providers may submit for Vesting Period 1 during the Vesting Period 2 Submission period which begins on October 1, 2022, and ends October 31, 2022
- An extension to submit for Vesting Period 1 will be limited to only the submission close date for Vesting Period 2 (October 31st)

Employee Separation

Q. Are employers obligated to pay the HWB bonus to former employees?

A. Employers may be obligated to pay former employees that are eligible and vested while in their employment provided that the employee did not terminate his or her employment with the employer prior to the due date for payment of the bonus. The following table shows when the employer must provide the bonus payment.

| Separation Facts | Employee is eligible | Employee is not eligible |
|--|----------------------|--------------------------|
| The employee vested, was employed at the time of the claim, and the employee continues to be employed when the employer receives the bonus payment. | ✓ | |
| The employee vested, was employed at the time of the claim, and stays with the employer for at least 30 days after the employer received the bonus payment. The employer fails to pay the bonus within 30 days of receipt, then the employee leaves. | ✓ | |
| The employee vested and before the employer submits a claim the employee is terminated by the employer. | ✓ | |
| The employee vested, was employed at the time of the claim, and then the employee is terminated by the employer. | ✓ | |
| The employee vested but the employee quits the employer prior to the bonus being claimed. | | ✓ |
| The employee vested, was employed at the time of the claim but the employee left before the employer receives the bonus payment. | | ✓ |

| | | |
|--|--|---|
| <p>The employee vested, was employed at the time of the claim and when the employer received the payment, but the employee leaves less than 30 days after the employer received the payment.</p> | |  |
|--|--|---|

Enforcement

Q. Will the employer’s determination of employee eligibility be subject to review?

A: Yes. SOS §367-w (3)(d) requires employers to maintain contemporaneous records to substantiate claims submitted and such records must be submitted upon request to the Department, OMIG, DOL, HHS and MFCU. SOS §367-w (5) permits OMIG, in consultation with the Department, to conduct audits, investigations, and reviews of employers submitting claims for the HWB.

Q. What if I am a qualified employer but do not apply for the bonus on behalf of my eligible employees?

A: If a qualified employer fails to identify, claim, or pay a bonus to an eligible employee they are subject to sanction, up to and including exclusion from the Medicaid program, and may be subject to penalty. See SOS §367-w (5).

Q. What happens if an employer mistakenly applied for an employee who is not qualified for the bonus or applies for a larger value bonus than the employee should have received?

A: If the employer receives a bonus for an employee who is not eligible to receive a bonus or an amount in excess of what the employee is qualified for that bonus amount must be returned to the Department. An employer is not entitled to retain any portion of the bonus payment.

Q. What if an employer fails to pay a HWB claimed and received on behalf of an eligible employee?

A: Any employer who fails to pay any part of the bonus payment to a designated employee shall remain liable to pay that bonus to the eligible employee regardless of any sanction or penalty OMIG may impose. See SOS §367-w (5)(c).

Q. If an employer improperly claims and pays a bonus to an ineligible employee will OMIG recover the payment from the employee?

A: No. All recovery of inappropriately paid bonus payments shall be recovered from the employer and the employer does not have the right to recover any inappropriately paid bonus from the employee. See SOS §367-w (5)(d).

Help and Support

Q. How do I contact the State if I have any questions or concerns on the HWB Program?

A. The fastest way to obtain an answer is to review the published guidance and FAQs the Department has posted to its website:

- [HWB Program Website and Guidance](#)
- [HWB Program Frequently Asked Questions \(FAQs\)](#)

If your specific inquiry is not addressed in the provided guidance, The Department is committed to updating the information as new questions come in and are answered. To this end, the Department has established an email address, NYSWorkersBonus@health.ny.gov, dedicated to the HWB program. Please direct your inquiry to this inbox to make sure your questions are received and processed.

If your question is pertaining to the online claim's portal and technical assistance questions on how to submit your claims, The Department has established the **HWB Program Call Center which can be reached at 1 (866) 682-0077**. Operating hours are Monday through Friday, 8:00 AM until 5:00 PM.

The Department is also committed to hosting a series of informational webinars to review the HWB Program with interested parties. The first of these webinars were held on August 19, 2022, and information about upcoming webinars will be communicated to stakeholders via several Listserv notices, including eMedNY and the Medicaid Redesign Team Listserv.

Q. How do I stay informed of changes or updates to this and other programs? And how do I sign up for Provider ListServ to ensure I have up to date information?

A. The [HWB Program Portal](#) will be updated regularly with program updates and/or the most up to date information for employers. Please visit the [eMedNY ListServ page](#) to subscribe to applicable Listservs.

Q. How can I find more information regarding the Healthcare Worker Bonus (HWB) Program and Claim Portal?

A. Please visit the [HWB Program Portal](#). For additional questions please contact the HWB Program Call Center at 1 (866) 682-0077. The operating hours are Monday through Friday, 8:00 AM until 5:00 PM. Additional information is also provided on the [Department of Health HWB Program website](#).