



Department  
of Health

# Healthcare Workforce Bonus (HWB) Program

Townhall Meeting

August 2022

## Housekeeping



All attendees will be on mute throughout the presentation



Please send all questions to [NYSWorkersBonus@health.ny.gov](mailto:NYSWorkersBonus@health.ny.gov)

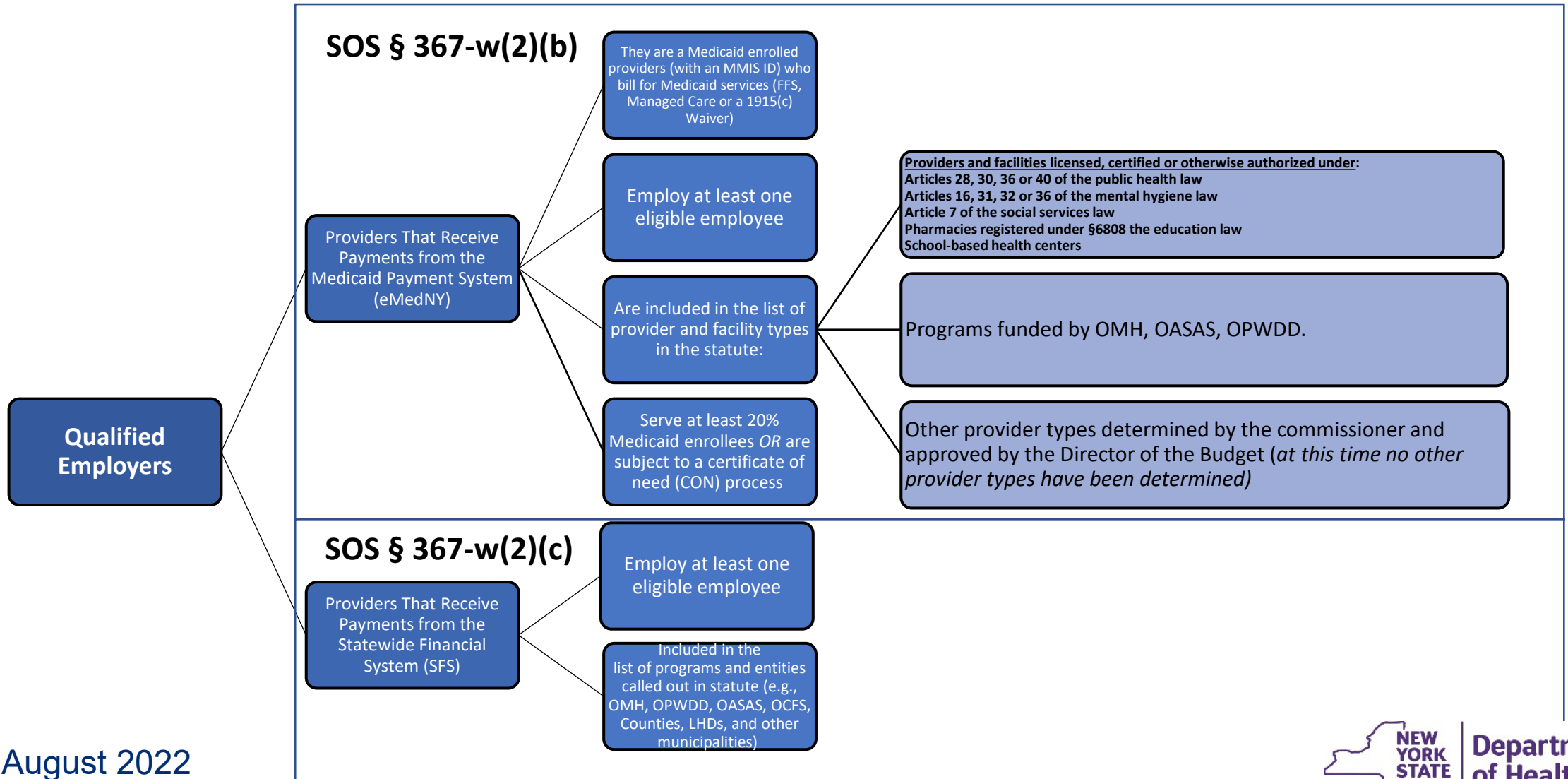
## Today's call

- Program Overview
- Determination Process
  - *Qualified Employers*
  - *Registration and Tax Related Questions*
  - *Eligible Employees*
- Attestation Clarifications
- Operational/Portal Questions
- Payment Clarifications
- Using the Healthcare Worker Bonus Portal
- Next Steps and Resources

# Program Overview

- In Part ZZ of Chapter 56 of the Laws of 2022, the Healthcare Workforce Bonus (HWB) program allows for the payment of bonuses to "*recruit, retain, and reward health care and mental hygiene workers*" meeting specified eligibility requirements.
- Bonuses for employees will be determined by specific "vesting periods," or hours worked during a consecutive six-month period between October 1, 2021 through March 31, 2024.
- A qualified employee can receive up to a maximum of \$3,000 in total bonus payments for the duration of the program (with a maximum of \$1,500 for each six-month vesting period).

# Determination Process – Am I a Qualified Employer?



# Employer Eligibility Clarification

- The statute provides two separate definitions for qualified employers, **both** of which are subject to the requirements of the Healthcare Workforce Bonus (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 5 factors:
  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. **Are included in the list of provider and facility types in the statute, AND**
  5. They serve at least 20% Medicaid enrollees OR are subject to a certificate of need (CON) process.

The Department is not prescribing a specific methodology to determine the 20 percent Medicaid threshold criteria. The onus is on the employer to determine whether it is in compliance with this criteria as part of the employer attestation which is required as part of the HWB claim submission process.

# Employer Eligibility Clarification (Con't)

Paragraph (2)(b) Employers – *i.e., those who receive payments through eMedNY (the Medicaid Payment System)*

- Paragraph (2)(b) employers listed in the statute 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 a provider type is not included on this list, it is not an employer subject to the HWB program.
- The Department will be publishing a list of the provider types that are Qualified Employers under Paragraph (2)(b) in upcoming FAQ's.

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# Employer Eligibility Clarification (Con't)

## Paragraph (2)(b) Employers

- Paragraph (2)(b) employers that are subject to a CON process (and do not need to meet 20% threshold, but still need to be Medicaid enrolled providers) include:

Hospitals

Nursing homes

Diagnostic and treatment centers

Midwifery birth centers

Ambulatory surgery centers

Dialysis Providers

Certified home health agencies

Licensed Home care services agencies

Long term home health care programs

Hospices

Adult care facilities

## Paragraph (2)(c) Employers – *i.e., those who do not receive payments through eMedNY*

- Under paragraph (2)(c), employers are not required to meet all the factors under paragraph (2)(b), and instead must simply employ one eligible employee and be included in the list of programs and entities called out in statute (e.g., OMH, OPWDD, OASAS, OCFS, Municipalities).

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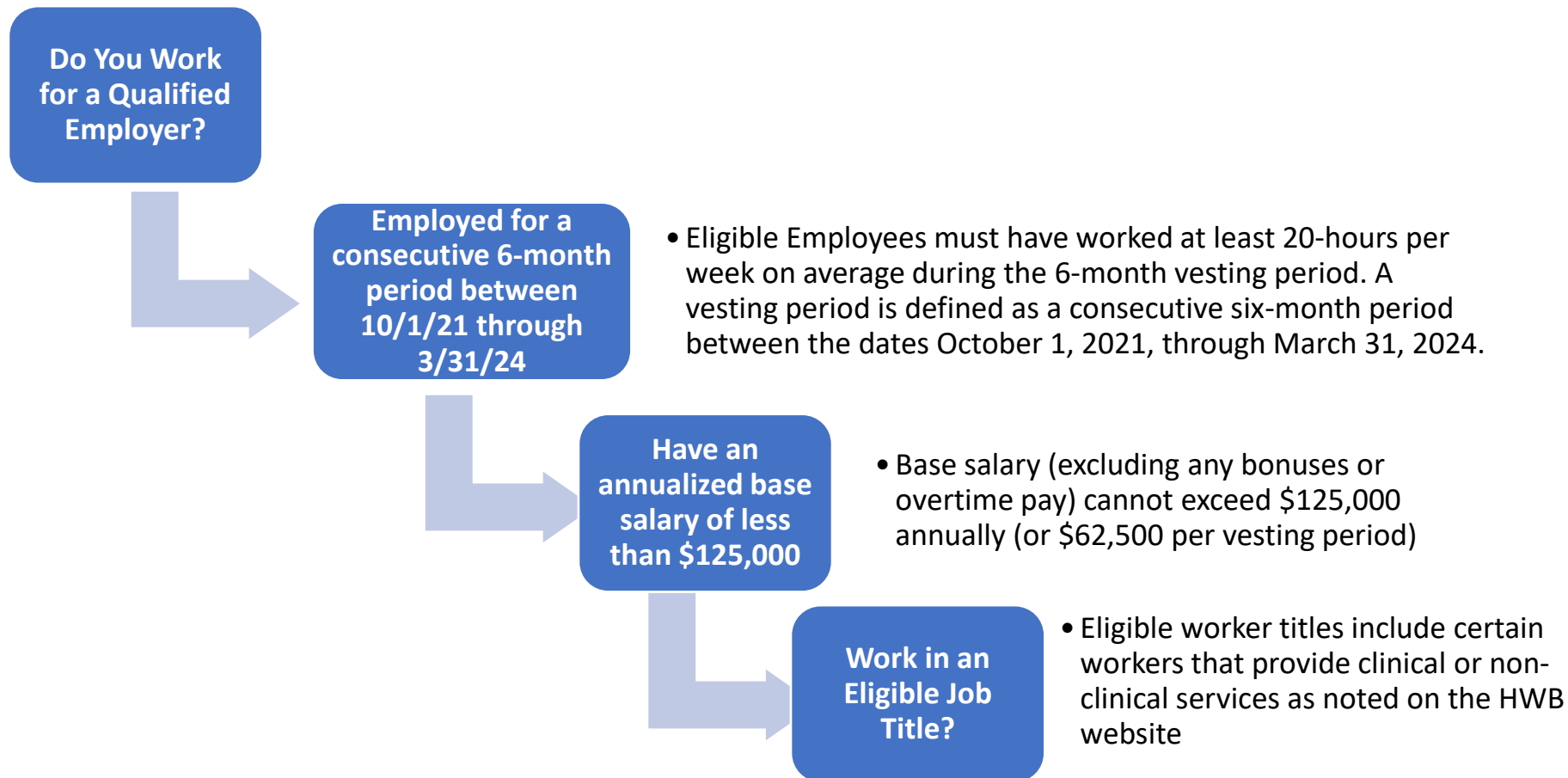
# Tax Clarifications

- Employers will be reimbursed for payroll and FICA taxes in their remittance.
- For Employer questions such as Federal tax rate percentage for the employee payments, the Department of Tax and Finance (DTF) has suggested that employers reference the Internal Revenue Service (IRS) Tax Code - Supplemental Wage Guidance on Page 20 of [2022 Publication 15 \(irs.gov\)](https://www.irs.gov/publications/p15).
- Employers **are not** required to match 401k or other retirement accounts for the bonus payments under the HWB statute.
- The bonus is tax-exempt for those employees who are residents of New York State as well as employees who are out of state residents with a NYS income tax filing requirement.
- Bonuses are excluded from New York state and local income tax (i.e. City of NY)
  - There is no state withholding requirement for employers. Employers should coordinate with their payroll vendors to remove state/local taxes for the bonus payments.
  - The legislation and DOH guidance released to date notes that federal taxes and other State taxes (such as NJ or CT income taxes) are not exempted from the bonus payment.

# State Financial System (SFS) ID versus Medicaid Management Information System (MMIS) ID

- Providers who are funded through the following agencies should utilize their SFS ID to apply for HWB bonuses: Office of Mental Health (OMH), Office for the Aging, Office of Addiction Services and Supports (OASAS), the Office of Children and Family Services (OCFS) 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 roll-out in the 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](#).

# Determination Process – Am I an Eligible Employee?



# Employee Eligibility Clarification

## Who is an Eligible Employee?

- As a threshold matter an eligible employee **must** work for a qualified employer that is subject to the HWB program. If an individual does not work for a qualified employer, they are not eligible to receive a bonus payment.
- If the employee works for a qualified employer, the employee is eligible if they:
  - Are employed by a qualified employer for a consecutive 6-month period that ends during a vesting period.
  - Are employed in an eligible title listed in SOS §367-w(2)(a)(i)-(iii).
  - Receive gross wages of \$62,500 or less (excluding any bonus or overtime pay) during the 6-month period.
  - Work at least 20-hours per week on average during the 6-month period.
  - Are not suspended or excluded from participation in the Medicaid program.

# Employee Eligibility Clarifications (Con't)

Stakeholders should review the eligible employee list provided on the DOH website here:

[https://health.ny.gov/health\\_care/medicaid/providers/hwb\\_program/#titles](https://health.ny.gov/health_care/medicaid/providers/hwb_program/#titles)

- “All other HC support workers” is defined, as outlined in the guidance on the website, as staff that **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
  - e.g., Coders, Billers, Call Center Staff, Security Personnel, etc. are not eligible
  - Clerical/office staff within certified Home Health are not eligible as they could only be eligible under the “All Other Healthcare Support Workers” title, which is limited to article 28 institutional facilities.
- There is no specified amount of time a worker needs to perform “hands-on clinical” in order to be eligible if they are employed under an eligible title and meet the other statutory requirements.
- Eligible Staff that work remotely, but serve in patient-facing roles such as telehealth nurses and social workers are eligible for the bonus assuming they meet all other requirements of SOS § 367-w.

# Employee Eligibility – Examples

The following titles which apply to care settings are eligible:

- We have received numerous questions regarding eligible titles, including requests for clarification on which eligible titles apply to which care settings. Examples include:
- **Infusion nurses within licensed home health agencies** - these staff are eligible under an applicable nursing title under the “front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to individuals”
  - *All nurses, including community health nurses, who work for a qualified employer are eligible for the bonus program.*
- **Pharmacists and pharmacy techs in CHHAs/LHCAs** - these staff are eligible under the eligible nursing title under the “front line health care and mental hygiene practitioners, technicians, assistants and aides that provide hands on health or care services to individuals”.
- **Patient Access Representative/Coordinator** (some may work in OR, others in backroom or offsite without patient interaction) - these staff are eligible under one of titles.

# Employee Eligibility – Examples (Con't)

- The following titles which apply to care settings are not eligible:
  - **Medical Records employees; Access/Call Center** (works a hybrid of on/offsite, patient interaction on phone) – these staff are not eligible.
  - **Billing Coordinator** (works offsite, patient interaction about bills on phone) – these staff are not eligible.
  - **Workers exclusively at non-patient building** (e.g., Building Maintenance, EVS, etc.) – these staff are not eligible.

# Employee Eligibility – Other Clarifications

## Other Leave and Accruals

- As outlined in SOS § 367-w(4)(i) the use of any 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.

## Former Employees

- 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.
- If the employer terminates the employment relationship after the employee vests, the employer is still required to submit a bonus claim and pay the bonus amount to the former employee



# Employee Attestation Clarifications

- Employee attestations *can be* submitted electronically to their employer.
- SOS § 367-w(3)(b) requires that attestations be collected on or before the date the employer submits a bonus claim
  - *If an employer cannot obtain an attestation for an eligible employee prior the submission date (9/2/22), the employer should submit these claims at the subsequent vesting periods according to the Vesting Period Schedule on the HWB website when those attestations are collected. Employers should make reasonable efforts to obtain the attestation and retain all associated documentation.*
- Employers must collect and retain employee attestations
  - *There is no need to share/transfer attestations with State unless explicitly asked to do so.*
- If employee declines to sign the attestation for any reason, including whether they are accounted for by another employer, employers should retain documentation on why the employee is eligible but declines to provide signed attestation.

# Employee Attestation Clarifications (Con't)

- Employers can choose to collect employee attestations covering October 2021 through September 30, 2022, so that those employees only need to 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 of where the employee works.

# Operational/Portal Questions

- The HWB Portal is designed to allow multi-site entities with multiple MMIS IDs to register all associated MMIS IDs under a single account. Payment from eMedNY will be made to the account (EFT)/ location (paper check) designated by each MMIS ID registered under the account.
  - Sites/Hospitals may use one MMIS ID for registering/filing for bonuses, even if that site has multiple MMIS IDs associated with it.
  - There is no limit on MMIS IDs that may be assigned to a site.
- Employee 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 IDs should be included in the single submission. Multiple submissions for the employee by the same organization will result in system rejections for duplication.
- When identifying an employee for a claim, an employer should only use an SSN or ITIN, not both, based on our understanding per the Social Security Administration. Employers should only submit using an employee's ITIN if an employee does not have an SSN.

# Payment Clarifications

- The HWB Portal will provide a remittance each vesting period to employers noting the employees (of that employer) that received a bonus payment. The Portal will not show employers bonus payments to employees from other employers. The Department will maintain responsibility to ensure that no employee receives more than \$3,000 in bonus payments.
- Employers are required to pay employees within 30 days of the employers' receipt of the bonus payment and the bonuses are exempted from state/local payment. Employers have no requirement to release the bonus payments as separate checks, so long as the bonus payment is identifiable to the employee and can be verified on audit.

# Using the HWB Portal

- A YouTube Channel has been created to provide training videos on how to utilize the HWB Portal: <https://www.youtube.com/channel/UCX7BDsiCj7XjMBnly8nOrbQ>
- The following videos are available for you to view at your convenience:
  - *NYS HWB User Registration*: <https://www.youtube.com/watch?v=1EtYygooL3k>
  - *NYS HWB Portal Home Page Navigation*:  
<https://www.youtube.com/watch?v=lgx59u79EPU>
  - *NYS HWB Bonus File Template Instructions*:  
<https://www.youtube.com/watch?v=M2MrIOGqbBo>
  - *NYS HWB Uploading a Bonus File*: <https://www.youtube.com/watch?v=1K5-SiZYIuU>
  - *NYS HWB Uploading a Bonus File with Errors*:  
<https://www.youtube.com/watch?v=HWjU-l89bms>
  - *NYS HWB Portal Manual Entry*: <https://www.youtube.com/watch?v=itl1GtHd4k0>

# Next Steps

- Upcoming Townhalls:
  - Friday, August 26th – 11:00 AM – 12:00 PM
  - Friday, September 2nd – 11:00 AM – 12:00 PM
- Frequently Asked Questions (FAQs)
  - The Department anticipates regular updates each Friday around noon.
  - [https://health.ny.gov/health\\_care/medicaid/providers/hwb\\_program/hwb\\_program\\_faq.htm](https://health.ny.gov/health_care/medicaid/providers/hwb_program/hwb_program_faq.htm)

# HWB Questions and Resources



## Questions

HWB Mailbox: [NYSWorkersBonus@health.ny.gov](mailto:NYSWorkersBonus@health.ny.gov)



## Website Resources

HWB General Information:

[https://www.health.ny.gov/health\\_care/medicaid/providers/hwb\\_program/](https://www.health.ny.gov/health_care/medicaid/providers/hwb_program/)

HWB Frequently Asked Questions (FAQs):

[Health Care Worker Bonus Program Frequently Asked Questions \(ny.gov\)](#)

HWB Program Portal: <http://www.nysworkerbonus.com/>