

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 Program 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 and retain documentation that the employee declined 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).

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 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 may be subject to the HWB program.

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. I am an Employer who is enrolled in eMedNY but in a non-payable status, am I subject to the HWB program.

A. Enrolled Medicaid providers who meet the eligibility criteria for the HWB but are enrolled with a non-payable status in eMedNY, this includes Managed Care Only and OPRA (Ordering, Prescribing, Referring, Attending) enrollment status, may be subject to the HWB program. Additional information on submitting for bonus will be provided.

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 and all other eligibility requirements are met.

Q. Why was the second submission period extended?

A. In order to allow appropriate time for all Employers to submit claims for Vesting Period 1 and 2, the Department kept the HWB Program Portal open to claims for the second submission period until November 30, 2022. Qualified Employers were permitted to submit claims for eligible employees during that time. Please be advised that, in accordance with SOS § 367-w(4)(f), claims submitted after October 31, 2022, for Vesting Period 1 and 2 were technically late for filing purposes.

The Department is aware of several technical issues during the initial submission periods for Vesting Periods 1 and 2 that may have impeded the ability of certain Qualified Employers to submit claims. All Employers should document and retain information regarding the reason for any late submission for audits and investigation purposes relating to the submission of claims for the HWB Program.

Q. Are traveling nurses and temporary staff eligible for the bonus?

A. Qualified employers are responsible for identifying which of their staff are hired on a temporary or traveling 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

Q. Are fire districts qualified employers?

A. Yes, fire districts and departments are municipalities and are considered Employers under the HWB program. These Employers should determine if they have eligible employees and submit HWB claims as appropriate. If a fire district needs an SFS ID or sees an error message when attempting to register for the HWB Portal, please contact NYSWorkersBonus@health.ny.gov.

Q. Are employers overseen by OCFS eligible for the bonus program?

A. Qualified employers overseen by OCFS that are licensed by the Department of Health under Article 29-I that have an MMIS ID and meet the other necessary requirements should select DOH in the Agency drop down when submitting their employees via the portal, as they are billing via Medicaid and will receive bonus remittance payments via eMedNY.

Education Sector Employers

Q. Does "Other Direct Care Staff" includes aides and assistants in schools?

A. No. 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. Are employees in educational settings that serve in roles that align with titles under “All Other Health Care Support Workers” (like a front office building attendant or custodian) eligible?

A. No. Such workers must support patient-facing care provided within a patient care unit of a hospital or nursing home in support of treating and caring for patients.

Q. Titles used in educational settings are different from those used in traditional healthcare settings. If the title does not match exactly, is the worker ineligible?

A. The titles listed in the statute describe the role the worker served. If the role served by the employee in an educational setting is consistent with the definition of the job title, the employee may be eligible assuming all other requirements are met.

The definition of each [BLS job title](#) is available on [O*Net Online](#). See ***“Q. Is there a definition for each job title?”*** under section [Eligibility \(Employees\)](#).

Employers will be required to identify which eligible title the employee qualifies under when submitting the employee in the HWB Portal. Employers should document and retain information justifying their determination that the employee qualified under the specified title for purposes of audits, investigations, and reviews of employers submitting claims for the HWB Program.

Q. Is there any guidance that compares school district job titles against those outlined in SOS Section 367-w(2)(a)(iii)?

A. The intent of HWB Program is to provide for the payment of bonuses to recruit, retain, and reward health care and mental hygiene workers. Educational institutions were included as an eligible employer because some employ health care and mental hygiene workers that are patient-facing and provide clinical care. The titles in SOS §367-w(2)(a)(i)-(iii) should therefore either be consistent with eligible employees in educational institutions or very closely align with the definitions of those job titles.

Q. Will there be any specific guidance/training for school districts?

A. All program guidance included on this website is consistent for all eligible employer types.

Q. If a district claims money, will there be a listing of which positions were approved so they will know who they can pay the funds out to?

A. Yes, employers will receive remittance advice when they receive payment. See ***“Q. Will employers be notified when payments will be made out of SFS and eMedNY and will a remittance be provided?”*** under section [Payment Issuance](#).

Q. Can educational employers submit their eligible employees from Vesting Period 1 during Submission Period 2?

A. Yes. See the prior FAQ regarding the administrative flexibility offered for the Vesting Period 1 and 2 submissions. This applies to all employers, including the education sector.

Q. I am a qualified employer within the education sector, looking to submit claims for eligible employees. How do I register for the HWB Program Portal?

A. School districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities, BOCES, and private institutions of higher education, should register for the HWB Portal utilizing a Statewide Financial System (SFS) ID.

School districts, charter schools, nonpublic schools, approved preschool programs for students with disabilities and BOCES that do not have an SFS ID should contact SED at ChiefFinancialOfficer@nysed.gov. Private institutions of higher education that do not have an SFS ID should contact HESC at HWB@hesc.ny.gov.

Q. What steps do I need to take before logging in to the Portal?

A. Before logging into the Portal, Employers need to register. If the employer still issues accessing the Portal after registering, they should reset their password. Then the employer should be able to successfully login and submit their eligible employees for bonus payment.

Q. I am a qualified employer within the education sector, what vesting period should I begin submitting employee claims?

A. Education sector employers may begin submitting claims in Vesting Period 2. The Department acknowledges some providers may not be able to complete Vesting Period 2 claims by the close of the second vesting period (October 31, 2022). Where this is the case, they may submit for claims when Vesting Period 3 opens on April 1st, 2023.

Q. I am a qualified employer submitting claims for a school district's eligible salaried employees. Are 10-month employees considered continuously employed during a vesting period that overlaps with their 2-months off?

A. Yes. For purposes of the HWB Program, qualified salaried employees of a school district will be considered continuously employed for 12 months regardless of how their salary is paid (over 10 months or over 12 months). Districts do not need to pro rate average hours worked for salaried employees.

Q. Will the state be providing an updated qualified list for this program?

A. No. The titles in SOS §367-w(2)(a)(i)-(iii) should therefore either be consistent with eligible employees in educational institutions or very closely align with the definitions of those job titles.

Q. Is the word "patient" inter-changeable with "student"?

A. No. The word "patient" describes a person receiving clinical or behavioral health care from a health care provider. For purposes of bonus claiming, a "student" becomes a "patient" when a health care/mental hygiene worker employed by an eligible education sector employer provides clinical or behavioral health care in an educational setting.

Q. Do schools need to have a licensed medical facility to qualify?

A. No. Per SOS §367-w(2)(c), the definition of employer also includes a public and non-public school, a BOCES program, an approved preschool program for student with disabilities, and an institution of higher education.

Q. Do we have to bill Medicaid directly to qualify?

A. No. 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](#).

Q. Is there a modified version of the attestation for a school district?

A. No. The Employer and Employee attestation is consistent across all qualified employers.

Q. I am a qualified employer submitting claims for a school district's eligible hourly employees. How do I calculate hours for hourly employees of the school district who are not required to be available during the summer months?

A. For purposes of the HWB Program, school based hourly employees are eligible for the bonus based on the average number of hours worked during the vesting period in which they were continuously employed. Some school based hourly employees are still employed but are not required to be available to work during the summer months. So long as those employees are still employed but not obligated to report—and are otherwise ineligible for unemployment benefits during the summer months—those employees are considered continuously employed during vesting period(s).

Time which the employee is employed but did not work any hours because the school was closed for summer recess does not need to be factored into hourly employees' average hours worked as this can be counted as "other leave". For example, employee A is an hourly worker who on average works 40 hours per week from September through June each year. During July and August, the average hours worked is zero. When calculating average hours worked, these two months can be disregarded.

However, if employee A was not required to be available during July and August but **was** entitled to unemployment compensation, that employee would **not** be entitled to the bonus during that 6-month vesting period because they were not continuously employed.

Q. Are guidance counselors eligible for the bonus?

A. Guidance Counselor as listed in the [Consolidated Fiscal Report](#) (CFR) is not an eligible title. Guidance counselors may be eligible for the bonus if they are working in the capacity of another title on the list of [eligible titles](#) as defined in the CFR during the applicable vesting period, so long as they meet all other eligibility criteria including appropriate licensure. Employers should select the applicable title from the list of [eligible titles](#) for employees working in this capacity.

Q. Please confirm the process for medical schools to submit the HWB program portal.

A. The process follows the existing process for all other health care employers eligible for the bonus program. There is no distinct process for medical schools.

Tax Questions

If an employer or employee has a tax question not answered below, the Department recommends that you contact the [NYS Department of Taxation and Finance](#) for additional guidance.

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 New York State (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 HWB Program 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 Program bonus payments such as FICA and payroll taxes?

A. Yes, employers will receive reimbursement for FICA and payroll taxes.

Q. What is the appropriate Federal tax to assign to HWB Program 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 Program bonus payments exempt from New York State and local income tax?

A. Yes, the HWB Program 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 Program bonus payments are exempt from NYS 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 Program bonus payments subject to federal or other state taxes?

A. The bonus payment is not exempt from Federal or other State taxes.

Q. We are aware that HWB Program bonus payments to employees are exempt from NYS 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 Program 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.

Q. Is the HWB Program payment subject to the health facility cash receipts assessment (including the nursing home cash assessment)?

A. No. HWB Program payments are not subject to the health facility cash receipts assessments.

Q. How should employees ensure their HWB Program bonus remain exempt from NYS taxes when filing their 2022 taxes, as W-2 income for Federal and State taxes must match?

A. Eligible employees should complete [Form IT-225](#), and submit with their NYS tax return.

Q. When reporting employee earnings, what box on the W-2 should the HWB Program bonus be listed?

A. The HWB Program bonus should be recorded in Box 14 of the W-2.

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 Program 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 Program Portal.

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

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

Submission Period	MMIS Submission	SFS Submission
One (08/03/2022 – 09/02/2022)	eMedNY Cycle 2352	10/05/2022
Two (10/01/2022 – 11/30/2022)	eMedNY Cycle 2366	01/11/2023
2.5 (02/01/2023 – 03/03/2023)	eMedNY Cycle 2382	05/03/2023
Three (04/01/2023 – 05/01/2023)	eMedNY Cycle 2393	07/19/2023

****Please Note: SED Providers will begin receiving payments on 1/13/2023***

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 employer through eMedNY or SFS.

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

A. If you suspect an overpayment, please refer to question ["Q. What happens if I identify an overpayment after a submission period is closed?"](#). If you suspect it is an underpayment

please refer to question [**“Q. What happens if I recognize an underpayment after a submission period is closed?”**](#)

Q. What happens if I recognize an error during the submission period?

A. While the applicable claiming period is open, the HWB Portal includes a delete function to remove submissions made in error. Once an erroneous submission is deleted, a corrected submission can be loaded into the HWB portal.

Q. If an employer identifies an error in a bonus claim where they claimed a lower bonus amount for an eligible employee that they should have, how can the employer amend a submission to ensure the employee receives the correct amount?

A. Effective April 1st, a correction process is available. Instructions on how to submit corrections to modify either an employee’s salary or hours worked from a previous submission can be found within the HWB Portal End User Guide available within the HWB Portal. The correction process is for employers to correct awarded bonuses ranging from \$0.00 to \$1000.00 which were determined by the Employer to have been lower than they should have been. Correction payments will be paid as a lump sum and included in qualified employer’s weekly Medicaid cycle payment from eMedNY. Cycle information published once available.

Q. What happens if I identify an overpayment after a submission period is closed?

A. Please note this process is for **EMPLOYERS** only. Employers are required to report, return, and explain any overpaid HWB funds received. Additional information, including directions on reporting and returning your overpayment can be found here: [Office of the Medicaid Inspector General - Self Disclosure of HWB Program Payments](#).

Please Note: Employers are prohibited from recovering bonuses paid to Employees under the HWB program even if the payment is later identified as an overpayment. See **“Q. Can an Employer take back the HWB bonus from and Employee?”**.

Q. What happens if I recognize an underpayment after a submission period is closed?

A. An amended submission process is under development for identified underpayments. This process will allow employers to amend previous submissions and receive an additional payment for the underpaid portion of the previous submitted claim. Further guidance is forthcoming on this process.

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 bonus to the State?

A. Employers who have received a bonus payment for an ineligible employee, regardless of the reason, must return the HWB to the State. Employers’ participation is subject to audit, investigation and review of paid claims by the Office of Medicaid Inspector General. Overpayments must be returned to OMIG. For more information on how employers should return HWB overpayments please see: [Self-Disclosure of Health Care Worker Bonus Payments | Office of the Medicaid Inspector General \(ny.gov\)](#).

Q. What happens when a submission period has closed, and an employer mistakenly applied for an employee who is not qualified for the bonus or applied for a larger value bonus than the employee should have received?

A. Employers who have received a bonus payment for an ineligible employee, regardless of the reason, must return the HWB to the State. Employers' participation is subject to audit, investigation, and review by the Office of Medicaid Inspector General. Overpayments must be returned to OMIG. For more information on how employers should return HWB overpayments please see: [Self-Disclosure of Health Care Worker Bonus Payments | Office of the Medicaid Inspector General \(ny.gov\)](#).

If the submission period is still open See "Q: What happens if I recognize an error during the submission period?"

Q. What is the appeals process for an employee who had their submitted bonus amount reduced by the State in the HWB Program portal?

A. There is no appeals process required for the HWB Program. Qualified employers who have questions about their bonus payments should submit questions directly to the State to understand payment amounts and associated reductions.

Q. If an employer identifies an error in a bonus claim where they claimed a lower bonus amount for an eligible employee that they should have, how can the employer amend a submission to ensure the employee receives the correct amount?

A. Additional guidance is forthcoming.

Q. Should bonus payments be reduced for any wage garnishment liabilities (e.g., for child support)?

A. HWB Program bonus payments must be offset by a qualified employer in compliance with any legally enforceable order against an eligible employee's wages, which includes the HWB bonus payment.

A previous version of this Q&A indicated that the HWB program should not be reduced for any wage garnishment liabilities. This was incorrect.

An employer who failed to withhold as required by a legally enforceable order against an employee's wages, which includes the HWB payment should review the legally enforceable order for the remedies required if such withholding was not made.

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.

This includes:

- Hospitals and Nursing Homes (Article 28 of Public Health Law)
- OMH Psychiatric Centers (Article 7 of Mental Hygiene Law)
- OASAS Addiction Treatment Centers (Article 19 of Mental Hygiene Law)
- Residential programs operated or certified by OPWDD, OMH, and OASAS (Articles 16, 31, and 32 of Mental Hygiene Law)
- Medicaid Assisted Living Programs (PHL Article 46-B)
- Hospice Residences (PHL Article 40)

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>
<i>Emergency Services Clerk</i>
<i>Front Desk Clerk</i>
<i>Lead Intake Specialist</i>
<i>Operating Room Clerk</i>
<i>Unit Clerk</i>
<i>Ward Clerk</i>
<i>Admitting Clerk</i>
<i>Registration Clerk</i>
<i>Unit Secretary</i>
<i>Unit Associate</i>
<i>Unit Coordinator</i>
<i>Unit Receptionist</i>
<i>Unit Secretary</i>
<i>Unit Assistant</i>
<i>Unit Associate</i>
<i>Ward Clerk</i>
<i>Dietary Aide</i>
<i>Food Prep/Service Worker</i>
<i>Dietary Worker</i>
<i>Dining Assistant</i>

<i>Dining Aide</i>
<i>Dietary Worker</i>
<i>Food & Nutrition Aide</i>
<i>Food Prep/Service Worker</i>
<i>Building Attendant</i>
<i>Building Service Aide</i>
<i>Building Service Worker</i>
<i>Custodian</i>
<i>Environmental Services Worker</i>
<i>Floor Maintenance Worker</i>
<i>Maintenance/Physical Plant workers</i>
<i>Sanitation Worker</i>
<i>Service Worker</i>
<i>Environmental Service Aide/Tech</i>
<i>Maintenance/Physical Plant workers</i>
<i>Support Services Worker</i>
<i>Floor Maintenance Worker</i>
<i>Housekeeping Worker and Maids</i>
<i>Security Guards</i>
<i>Peace Officers</i>

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 an 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 (**however employers should include weekend or holiday hours worked, regardless of the rate of pay, so long as the total hours worked remains under overtime thresholds, see 12 NYCRR 142-2.2**). Additional examples will be provided prior to the submission close date, but some common examples have been included below:

Period	Salaried Employees	Hourly Employees
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 ***"Q. How much is the bonus to which eligible employees are entitled?"*** under section [Portal Registration and Claims Submission](#).

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 medical 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 [“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 are detailed in the Budget Bulletin issued by the Division of the Budget.

State agencies should not use this portal to apply for bonuses for their employees. The Budget Bulletin from the Division of the Budget provides 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 was unable to complete my submission of qualified employees during a prior vesting period. Can I submit employees eligible for a bonus for Vesting Period 1 and/or 2 at a later date?”*** under section [Portal Registration and Claims Submission](#) for more information.

Q. What payments and compensation are considered part of an employee’s base salary?

A. Base salary is defined to include an employee’s gross wages less any bonuses or overtime. Gross wages are defined under Labor Law Section 517 and 20 NYCRR § 2380.4.

Q. Does any additional pay outside of an employee’s base salary count as bonus or overtime? For example, if a salaried employee picks up an additional shift at a different rate than their salary, is this considered overtime?

A. Overtime under the HWB program refers to any statutory overtime required to be compensated at 1 ½ times the regular rate of pay pursuant to New York State Minimum Wage Orders or the federal Fair Labor Standards Act (FLSA).

Q. Should I include unpaid leave or accruals in calculating Employee hours?

A. Employers should include any allowable leave or accruals that were used by the employee during the vesting period, whether or not the time off is paid or unpaid.

Q. Does an employee’s title alone qualify them for a bonus? For example, an RN working in “Employee Health” unit and does not interact with patients that are general members of the public.

A. The “patient-facing” function or role of an eligible employee is only relevant for workers who qualify under the “All Other Health Care Support Workers” category in institutional settings. Registered Nurses, for example, are eligible for the bonus regardless of function with a Qualified Employer assuming the employee meets the other eligibility criteria.

Q. If an employee is out on disability receiving statutory disability pay, should this time be counted towards their hours worked?

A. Yes.

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 Providers use their MMIS ID to register for the HWB Portal or their SFS Vendor ID?

A. Employers who are enrolled to receive payments from eMedNY and meet all other requirements to be eligible for the HWB Program, should utilize their New York State Medicaid Management Information System (MMIS) ID to register for the HWB Portal and claim for employees meeting the 20% Medicaid threshold, regardless of the status of their SFS ID.

Employers who are not enrolled to receive payments from eMedNY but meet all other requirements to be eligible for the HWB Program, should utilize their State Fiscal System (SFS) Vendor ID should refer to FAQs below.

A brief video on registration is available [here](#).

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

A. If you are seeking to claim bonuses for eligible staff employed in programs that provide Medicaid services funded by: the Office for People with Developmental Disabilities (OPWDD), Office of Mental Health (OMH), Office for the Aging, and Office of Addiction Services and Supports (OASAS) you should utilize your Medicaid Management Information System number (MMIS ID) to submit claims for Medicaid services.

However, you should utilize your SFS ID to submit claims for eligible staff employed in programs that provide non-Medicaid services, or if you don't have a MMIS ID.

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 username 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. All OPWDD providers who receive payments other than Medicaid from NYS already have a Statewide Financial System (SFS) Vendor ID#. This is required for your agency to access SFS and receive payments. If you would like to confirm your SFS Vendor ID#, please contact central.operations@opwdd.ny.gov. Please use MH Worker Bonus in the subject of the email to ensure a timely response.

If you deliver non-Medicaid supports and services and don't already have an SFS Vendor ID#, you can obtain one by completing the [New York State Substitute W-9 Form](#). 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 central.operations@opwdd.ny.gov for processing. Processing the form in the system should take about a week, and then you will receive your SFS username 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 central.operations@opwdd.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> or contact the SFS helpdesk at helpdesk@sfs.ny.gov or (518) 457-7717 or (855) 233-8363 toll-free.

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 the HWB program bonus?

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 Program Portal and should instead work through their respective State agency for more details. See section [Education Sector Employers](#) for additional information.

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 was unable to complete my submission of qualified employees during a prior vesting period. Can I submit employees eligible for a bonus for Vesting Period 1 and/or 2 at a later date?

A. Providers/Employers who were not able to or did not complete submission of qualified employees within 30 days of the end of the Vesting Period when the employee was eligible are able to file a late submission.

Employers **will** be able to submit claims for any prior vesting period during any submission period. For example, during Submission Period 5, employers will be permitted to submit claims for any of the five Vesting Periods.

- Employers should make every attempt to submit claims as soon as the employee is eligible.
- Employers must validate that employee(s) met all other qualifying criteria during the respective vesting period.
- This flexibility does not change the criteria that 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.

Please be advised that, in accordance with SOS § 367-w(4)(f), claims submitted more than 30 days after the respective Vesting Period are technically late for filing purposes. All Employers should document and retain information regarding the reason for any late submission for audits and investigation purposes relating to the submission of claims for the HWB Program.

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.		✓
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.		✓
The employee vested, was employed at the time of the claim and when the employer received the payment, and the employee leaves less than 30 days after the employer received the payment but after the employer pays the bonus.	✓	

Q. If an employee retires, are they entitled to a bonus payment?

A. An employee retirement is analogous to the employee quitting or leaving their employer. See the above table for guidance on whether the employee is entitled to the bonus payment depending upon when they separated from the employer.

Q. If an employee passes away, is the employee or the employee's estate entitled to a bonus payment?

A. When an employee passes away, the employment relationship ends similar to when the employee quits or leaves their employer. See the above table for guidance on whether the employee or the employee's estate is entitled to the bonus payment depending upon when the employment relationship ends.

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).

Employee Help

Q. I am an employee and did not receive my health worker bonus, but believe I am eligible. What should I do?

A. First, please review these Q&A and the HWB webpage to see if you may be an eligible Employee. If you think you meet the criteria AND you worked for an entire vesting period, you may be entitled to an HWB bonus payment. Employers are responsible for determining which employees are eligible for the bonus. Therefore, you are encouraged to work with your employer to see if a resolution can be reached. Please note that your Employer has **about 90 days** after the end of your vesting period to pay you the bonus.

As such, you should first contact your employer and ask why you were not submitted for the bonus. If you believe your employer made a mistake in their determination of your eligibility, and the period for submitting claims is still open, please attempt to resolve the matter with your employer.

The Office of the Medicaid Inspector General (OMIG) **has developed** a process for employees to submit allegations that their employer has not complied with the requirements of the Healthcare Worker Bonus program. If you cannot reach a resolution with your employer, and wish to file an allegation, you will be required to complete a form that includes (1) your title, (2) your period of employment and average hours worked during the applicable vesting period, (3) your earnings excluding bonuses and overtime, and other pertinent information.

Process to File an Allegation:

- Please click [Health Care Worker Bonus Employee Inquiry](#) for the form that needs to be filled out and submitted to OMIG.
- Please click [Healthcare Worker Bonus Employee Inquiry Form Instructions](#) for instruction on how to complete each section of the Healthcare Worker Bonus Employee Inquiry Form.

If you have questions related to submitting the Healthcare Worker Bonus Employee Inquiry Form, or related to a submitted inquiry, please send an email to bmfahwb@omig.ny.gov or call (518) 402-6231.

Q. Can an Employer take back a HWB bonus payment from an Employee?

A. No. Once an Employer pays a bonus to an Employee under the HWB program, the Employer may not take back any portion of that bonus payment from the Employee, *even if* the claim is determined inappropriately paid and recovered by the Office of Medicaid Inspector General (OMIG). See SOS § 367-w(5)(d). If an Employer pays a bonus under the HWB program, and then attempts to take back any portion of the bonus payment from the Employee, the Employee should contact the **New York State Department of Labor** at **(888) 469-7365**.

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.

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](#).