



Important Notice

February 2006

Correction to Form IT-258 Claim for Nursing Home Assessment Credit

There is an error in the instructions for Form IT-258, *Claim for Nursing Home Assessment Credit*. The error concerns individuals receiving benefits from a long-term care insurance policy.

This notice provides a revision to the instructions for 2005 Form IT-258.

The instructions under **Who is eligible**, should read as follows (changes in boldface):

Who is eligible

This credit is only available to individuals who directly paid the assessment. **An individual may claim the full credit for amounts directly paid even though the resident may be receiving benefits from a long-term care insurance policy. If a resident of a facility assigns his or her long-term care insurance benefits to a residential health care facility, the resident is treated as having paid that amount towards the total nursing home bill. The credit** is not available if the assessment is paid through private health insurance, with public funds (e.g., Medicaid), or is paid by a trust or other entity.



Claim for Nursing Home Assessment Credit

IT-258

Tax Law — Article 22, Section 606(hh)

Attach this form to Form IT-201 or Form IT-203.

Name(s) as shown on return	Your social security number
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Part 1 — Nursing home information

Residential health care facility		
Address (number and street)		
City	State	ZIP code

Resident's name (if different from the taxpayer claiming the credit)	Resident's social security number
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Part 2 — Credit amount

1 Enter the total amount of the assessment imposed on a residential health care facility and paid directly by you during 2005 (see instructions)..... 1. .

Individuals — Enter the line 1 amount and code **258** on Form IT-201-ATT, line 12, or Form IT-203-ATT, line 12.

Instructions



This form may be e-filed as an attachment to an e-filed return; you cannot e-file this form by itself.

General information

For tax years beginning on or after January 1, 2005, Tax Law section 606(hh) allows a credit against the personal income tax for the amount of the assessment imposed on a residential health care facility pursuant to Public Health Law section 2807-d(2)(b) and paid directly by an individual. The assessment must be separately stated and accounted for on the billing statements or other statements of a resident of a residential health care facility, and must be paid directly by the individual taxpayer claiming the credit.

If an individual other than the resident is actually paying the assessment, the individual who paid the assessment, not the resident, is entitled to claim the credit.

Who is eligible

This credit is only available to individuals who directly paid the assessment. It is not available if the assessment is paid through private insurance (e.g., a long-term care insurance plan), with public funds (e.g., medicaid), or is paid by a trust or other entity.

How to claim the credit

File Form IT-258 and transfer the amount of credit to your tax return as instructed (if you are an individual and you directly paid the assessment imposed on a residential health care facility).

Amount of credit

The amount of the credit is the assessment amount separately stated and accounted for on the billing statements or other statements. Any amount of the credit not deductible in the current tax year may be refunded without interest.

Filing in your tax forms

For complete information on how to fill in New York State scannable income tax forms, see the instructions for:

- resident return (Form IT-201), or
- nonresident and part-year resident return (Form IT-203).

Also see the instructions for the above returns for the *Privacy notification* or if you *Need help* in contacting the Tax Department.

Specific instructions

Part 1 — Nursing home information

Enter the name and address of the residential health care facility in the space provided in Part 1. Also enter the name and social security number of the health care facility resident, if the resident is not the taxpayer claiming this credit.

Part 2 — Credit amount

Enter the total amount of the assessment separately stated and accounted for on your billing statements or other statements and paid directly by you during 2005. Do not attach a copy of your statements to Form IT-258. However, keep a copy for your records to substantiate the amount of credit claimed.

