

ADVOCATING FOR VETERANS: **A GUIDE TO VA CONTRACTS & CLAIMS**

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VA Mission

No organization can succeed without values to match its mission. Our mission, as the Department of Veterans Affairs, is to care for those “who shall have borne the battle” and for their families, caregivers and survivors.

To fulfill President Lincoln’s promise: “To care for him who shall have borne the battle, and for his widow, and his orphan” by serving and honoring the men and women who are America’s Veterans.

Provider Specific VA Issues

- VA Benefits and the Eligibility Process
- VA Provider Contracts and Payment Delays
- Garnishment of VA Income and VA Indebtedness

VA Benefits and the Eligibility Process

- Veterans Pension
- Survivors Pension
- Aid and Attendance
- Homebound

Veterans Pension

- Basic Veterans Pension and Survivors Pension
 - Aid & Attendance
 - Housebound Pension
 - VA Survivors Pension

Please note that this information is for educational purposes only and is not intended as legal advice and does not create an attorney-client relationship.

Basic Veterans Pension and Survivors Pension

Eligibility: This is available to low-income war-time Veterans who are ALSO:

- 65 or older, **or**
- Totally and permanently disabled, **or**
- Living in a nursing home receiving skilled nursing care, **or**
- Receiving Social Security Disability Insurance, **or**
- Receiving Supplemental Security Income

Aid & Attendance Pension for Veterans / Surviving Spouses Basic Pension + Aid & Attendance

Aid and Attendance Amounts

- The maximum benefit amount for a veteran who does not have a spouse or dependent child is \$24,610.00/year.
- The maximum benefit amount for a married veteran is \$29,175.00/year.
- The maximum benefit amount for a surviving spouse is \$18,867.00/year.

Housebound Pension for Veterans / Surviving Spouses

The Housebound Pension is a cash “add on” to the Basic Veterans / Survivors Pension.

- The maximum benefit amount for a veteran who does not have a spouse or dependent child is \$18,029.00.
- The maximum benefit amount for a veteran with a spouse is \$22,596.00/year.
- The maximum benefit amount for a surviving spouse is \$15,144.00/year

Medicaid v. VA Pensions- Can you have both?

Single Veteran

Single Veteran with A&A + Skilled Nursing + Medicaid = A&A Reduction to \$90/month

Veterans with Spouses and/or Dependent Child(ren)

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How to apply for a VA Survivors Pension?

- With the help of a trained professional
- Online (<https://www.va.gov/pension/application/527EZ/introduction>)
- Mail
 - Fill out an Application (VA Form 21-534EZ) and mail to:
 - Department of Veterans Affairs
Pension Intake Center
PO Box 5365
Janesville, WI 53547-5365

VA Provider Contracts and Payment Delays

The VA Contracts with Nursing Homes to provide care for Veterans when they are unable to do so themselves.

Considerations:

- Contract Administration
- Medicaid-based rate determination
- Prior Authorization
- Facility Changes and Modifications
- Contract Expiration/Renewals

Timely Renewal of VA Provider Contracts

- Contract Time Period
- Contract Renewal
- Contract Extensions and Limits
- Contract Ratification Process

Timely Payment of VA Provider Contracts

- Time Requirement for VA Claims Submission
- Time Requirement for VA Payment

What do you do when the VA fails to make timely payment of Claims?

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Garnishment of VA Income

A garnishment is a legal procedure, authorized by a court order or other legal authority, by which a creditor can collect what a debtor owes by reaching the debtor's property when the debtor does not possess the property. See M21-1, Part III, Subpart v, Chapter 3, Section D

There is no statutory prohibition against the garnishment of military retired pay (MRP) when the Veteran is in receipt of Department of Veterans Affairs (VA) disability compensation.

Under *Public Law 95-30*, a Veteran's disability compensation may be garnished in order to pay alimony or child support pursuant to a court order *only* if the Veteran receives disability compensation in lieu of an equal amount of MRP, in accordance with a total or partial MRP waiver.

Reasons for Garnishment of VA Income and VA Debt

- Alimony
- Child Support
- VA Overpayments

Implications for Nursing Home Providers

Ways to Address Garnishment and VA Debt

1. Seek a Reduction of the Resident's Patient Liability with the Medicaid Agency
2. Seek an Undue Hardship of the Resident's Patient Liability with the Medicaid Agency
3. Appeal and/or File an Undue Hardship with the VA as to the Debt
4. Work to secure Cancellation and/or UHW as to the unpaid Alimony or Child Support Obligation

Keys to Success in Navigating Nursing Home related VA Issues

- Understand the VA Structure
- Required Information and Forms
- VA Authorization and Representation Forms
- Provider Access Issues and Resources

VA Structure

U.S. Department of Veterans Affairs

Veterans Health Administration
Veterans Benefits Administration
National Cemetery Administration

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Required Information and Forms

- Social Security number or VA file number (required)
- Military history (required)
- Your financial information and the financial information of your dependents (required)
- Work history
- Bank account direct deposit information
- Medical information

Determining the Branch of Military Service and Order Military Records

- Speak with the Resident, their Family and Look for Clues
- SF 180 - Request Pertaining to Military Records (used to obtain DD 214 discharge records)
- DD214 - Certificate of Release or Discharge from Active Duty

Intent to File to Establish an Effective Date

- VA Form 21-0966 - Intent to File a Claim

Appointment of Individual as a Claimant's Representative

- VA Form 21-22A - Appointment of Individual as a Claimant's Representative

Provider Access Issues and Resources

- VA Customer Engagement Portal: <https://www.cep.fsc.va.gov>
- VA Provider Relations and Office of Community Care:
<https://www.va.gov/COMMUNITYCARE/providers/index.asp>
- Local VA Hospital and Regional Veterans Benefits Administration Office
- Senators and Congressional Representatives
- Involvement of Legal Counsel

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