

VA Aid and Attendance Program

by Attorney Michael Hooker

If you've read my past columns, you know difficult it can be to get government funding to provide care in your home. Masshealth (also known as Medicaid) has a program called Personal Care Attendant (PCA). It can provide needed care into the home. But it is needs-based. You only get it if you meet strict financial criteria. Reverse mortgages are also a means of accessing funds to pay for care at home. Long term care insurance, a product toward which the federal government is herding my generation (I'm 51 years old), usually has an at-home benefit.

A lesser known program is the Aid and Attendance Program which is managed by the United States Veteran's Administration. The program is essentially a pension which supplements a veteran's or widow of a veteran's income. You need to satisfy far more criteria than simply being a veteran or widow of a veteran. There are a host of criteria which makes it quite difficult for many to qualify (which is probably how it was designed). The essential criteria is that you must be veteran (or the surviving widow of a veteran) who served during a time of War. These are defined as WWII, the Korean War, Vietnam and the Gulf War from 1990 to present. The veteran, and or his surviving widow, must have a medical diagnosis that indicates that he/she requires regular assistance with the activities of daily living as a result of chronic medical problems, cannot work, and is need of home care assistance. A single applicant can have no more than \$60,000 in liquid (non-real estate) assets. For a couple, the asset threshold is \$80,000. Believe it or not there is no look-back period similar to nursing home Medicaid. In other words, a couple can give away their assets above \$80,000 to their children and meet the criteria a month later.

Even if you do satisfy each of these criteria, the amount of pension you receive is directly related to your other income. The maximum award/pension for a veteran without a spouse is \$19,736/year. If, for example, the veteran receives his own social security of \$14,000 per year, then the VA award/pension would be \$5,736/year. If his Social Security is \$19,800/year he would not qualify.

It is easy to assess if you meet the asset and wartime criteria of the program because of the clear definition. It is harder to assess whether you meet the homecare assistance criteria. While it can't hurt to attempt to qualify for this program, you should be prepared for a difficult and lengthy application process.

There are certain professionals in the Northampton area who are lauding this program as the answer to all your prayers. This is not so. It can be a frustrating experience. A client of mine suffered such an experience. He relied on a local attorney who assured him that he would get the pension. Six months and much aggravation later, the client was denied on the basis of his care needs. His living in an Assisted Living Facility was not enough to satisfy the home care requirement. You must be careful who you listen to. My client found Steve Connor, the Northampton Director of Veterans Services to be very helpful. His number is 587-1299.