

## **Better Serving Older or Disabled Veterans: A Special Session on the Intersections between Veterans Benefits, Social Security, and Medicaid**

**San Francisco, Live Webcast and [www.pli.edu](http://www.pli.edu),\* December 18, 2017**

### **Why You Should Attend**

Well over one-half of the American Veteran population is elderly or disabled and entitled to a wide-range of government benefits— from income to health care to in-home services. These benefits can help a veteran and their family stave off poverty, prolong independence, and receive the supportive services they need to thrive. Yet, while many elder law, disability rights, and benefits practitioners are versed in Social Security and Medicaid, few attorneys are aware of how these benefits intersect with benefits from the Department of Veterans Affairs.

As part of PLI's Advocating for Veterans series, this free half-day session will empower practitioners with the tools they need to maximize their Veteran clients' income and well-being, and to better meet their health care and long-term needs. More specifically, expert veterans and government benefits attorneys will provide practitioners with an in-depth understanding of the Department of Veterans Affairs' lesser known Non-Service-Connected Pension benefit and break down the interplay between VA Benefits, Social Security benefits, Medicaid, and In-Home Supportive Services.

### **What You Will Learn**

- How to determine whether a Veteran is eligible for VA Non-Service-Connected Pension, including how to reduce a Veteran's countable income in order to ensure entitlement and maximize income
- How VA Benefits and Social Security benefits intersect, including how they offset one another, the main differences between VA Non-Service-Connected Pension and SSI, and the impact of VA Non-Service-Connected Pension on SSI
- How to prolong a Veteran's independence by using VA Non-Service-Connected Pension with or without In-Home Supportive Services to pay for in-home care and assisted living
- How to expand a Veteran's long-term care options using VA Benefits, Medicaid, and In Home Supportive Services

## Who Should Attend

- Attorneys and advocates that work with or are interested in serving American Veterans will benefit from this program.
- Elder law, disability rights advocates, and government benefits advocates may find the session particularly applicable to their practice areas.
- **IMPORTANT! If you are a VA-accredited attorney and have already completed the VA's initial CLE requirement, this program may satisfy the VA's continuing CLE requirement to maintain accreditation.**
  1. Within 12 months after accreditation, you are required to complete three hours of qualifying CLE. This program **does not** satisfy that initial CLE requirement. However, PLI offers another free program that does meet the initial CLE requirement: [Advocating for Veterans: The Basics on VA Benefits, Discharge Upgrades and Veteran Cultural Competency 2017](#)
  2. Once an attorney has completed their initial CLE requirement, the VA requires ongoing CLE to maintain accreditation. This program **does** satisfy the VA's CLE requirement that accredited attorneys complete an additional three hours of CLE not later than 3 years from the date of initial accreditation and every 2 years thereafter.
  3. Attorneys and other advocates who become accredited will be listed on a national VA list, and are entitled to represent veterans in their claims for benefits, on a pro bono basis, and for attorney's fees on appeals, where they are available.
  4. For additional information, please see the [FAQ page](#) on the VA's Office of General Counsel website.
- Pursuant to 38 C.F.R. § 14.629(b)(1)(iii) and (iv), To maintain accreditation, agents and attorneys are required to complete an additional 3 hours of qualifying CLE on veterans benefits law and procedure not later than 3 years from the date of initial accreditation and every 2 years thereafter. To qualify under this subsection, a CLE course must be approved for a minimum of 3 hours of CLE credit by any State bar association and, at a minimum, must cover the following topics: representation before VA, claims procedures, basic eligibility for VA benefits, right to appeal, disability compensation (38 U.S.C. Chapter 11), dependency and indemnity compensation (38 U.S.C. Chapter 13), and pension (38 U.S.C. Chapter 15).

## **Program Schedule**

9:00

### **Opening Remarks and Introduction**

***Nicole M. Perez***

9:15

### **Introduction to Veterans Benefits for Older and/or Disabled Veterans, With a Special Focus on Non-Service-Connected Pension**

During this introductory hour, we will begin with a review of the nation's veteran population and the various benefits that eligible veterans can receive from the Department of Veterans Affairs ("VA"). We will then dive into a detailed conversation on Non-Service-Connected Pension, the VA's seldom-known means-tested income benefit for wartime veterans who are either elderly or unable to work due to disabilities. Participants will come away from hour 1 with the ability to recite the fundamental requirements of a Non-Service-Connected Pension claim, determine whether a veteran client is eligible for the benefit, as well as describe the basic procedure to obtain the benefit from the VA.

- Overview
- Eligibility
- Entitlement to Non-Service-Connected Pension
- VA Benefits Procedure

***Nicole M. Perez, Claire Ramsey, Tyler Mischeaux Press Sutherland***

10:15

### **Increasing Veterans' Income: An Overview of Special Monthly Pension and the Interactions Between VA Benefits & Social Security Benefits, With a Special Focus on VA Non-Service-Connected Pension, Special Monthly Pension, and SSI**

Did you know that a veteran can receive \$1,790 per month in VA Non-Service-Connected Pension and still be eligible for SSI? In this hour, we will describe the VA's Special Monthly Pension benefit, and how special monthly pension can be used to maximize the income of low-to-middle income veterans living with more severe disabilities. We will then unpack the relationship between VA Benefits and Social Security benefits.

Participants will come away from hour 2 with tools to maximize their Veteran clients' income, including the ability to (1) determine whether a veteran client is eligible for Special Monthly Pension, (2) describe how VA Benefits and Social Security benefits offset one another, and (3) explain the

differences between and impact of VA non-service-connected pension and SSI.

- Entitlement to VA Special Monthly Pension
- How Veterans Benefits & Social Security Benefits Offset Each Other
- Interplay of Non-Service-Connected Pension & SSI

***Nicole M. Perez, Tyler Mischeaux Press Sutherland***

11:15 Networking Break

11:30

**Maximizing Veterans' Health & Well-being: An Overview of Veterans Extended Care Benefits and the Interactions Between VA Benefits & Medicaid, With a Special Focus on VA Non-Service-Connected Pension, Medicaid, and IHSS**

Did you know that a veteran and their spouse can receive \$2,127 per month from the VA to pay for in-home care or assisted living? Or that the VA will pay for nursing home care for veterans who have disabilities stemming from their military service? During this last hour, we will explore the VA's many extended care benefit programs. We will then continue to unpack the relationship between VA and other government benefits, and will look closely at the intersections between Non-Service-Connected Pension, Medicaid, and In-Home Supportive Services. Participants will come away from hour 3 with tools to prolong their Veteran clients' independence, as well as expand their clients' long-term care options.

- VA Geriatric and Extended Care benefits
- Interplay of Non-Service-Connected Pension & Medicaid
- Interplay of Non-Service-Connected Pension & IHSS

***Nicole M. Perez, Claire Ramsey***

12:30 Adjourn

**Faculty:**

**Chair:**

**Nicole M. Perez**

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