



July, 2011

Veteran's Benefits

There is VA benefit available to wartime veterans and surviving spouses who may be facing substantial medical and care expenses which is relatively unknown and unused. I have written about it before but a refresher might be helpful. I read a statistic that said only ten percent of the eligible veterans are actually receiving this benefit! Part of the reason for that is the VA process is very difficult to understand and navigate without assistance.

Benefits provided by the Veterans Administration generally fall into two categories: service connected and non-service connected. This article focuses on non-service connected benefits which are available to certain wartime veterans who are disabled because of a non-service connected condition and who are in financial need due to high un-reimbursed medical expenses. The benefit may also be available to certain surviving spouse of the war time veteran. The program, one of the VA's best kept secrets, is known as "Aid and Attendance" (A & A). It is an excellent potential source of funds for long-term care.

A & A, may be available for individuals who are disabled due to the issues of old age, such as Alzheimer's, Parkinson's, multiple sclerosis, and other physical disabilities. For those qualifying individuals, these benefits can be a blessing for someone who is not yet ready for a nursing home. This money can potentially be used for home healthcare, adult day health or assisted living facilities.

There are three levels of benefit under the program. In order to qualify for the lowest amount of benefit, the qualifying individual must be disabled and low income. A Veteran or qualifying surviving spouse over the age of 65 is presumed by the Veterans Administration to be disabled. The middle level of benefit is available to qualifying individuals who are not only disabled but also housebound. The highest level of benefit is available to qualifying individuals who also have additional requirements needing the aid and attendance of another person in order to avoid the hazards of his or her daily environment. What that means in English is someone needs to help you to prepare meals, bathe, dress and otherwise take care of yourself daily. Under this program, a married veteran can receive a maximum of \$1,842.00 per month in benefits and surviving spouse can receive up to \$998.00 (for the year 2011) as a maximum benefit.

The program does have substantial limitations on the income and assets that are held by the applicant. It is very important to meet with a knowledgeable veteran's service officer or an experienced elder law attorney for a pre-filing consultation to determine whether or not you may qualify for this benefit and to review the estate planning work that may be necessary to assist you in qualifying for this particular benefit.

It may appear on first blush that anyone who has a countable income in excess of \$18,000.00 per year is not eligible for this benefit. However, the countable income for veterans' benefits is determined by taking an individual's gross income and subtracting from that all of the un-reimbursed medical expenses to determine a lower net income, which is the income counted for Veteran Administration purposes.

Home attendants or aides may be an allowable medical expense deduction. The cost of an assisted living facility, and even part or all of the cost of an independent living facility, may also be an allowable medical deduction. Once high un-reimbursed medical expenses are considered, many more individuals qualify for the benefit.

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To file a claim for this benefit, it is wise to seek the involvement of a trained Veteran's Service Officer. It is also important to seek the guidance of an experienced elder law attorney who is familiar with estate planning, disability, Medicaid and veterans' benefits. Because these benefits are for seniors who are disabled, there is a high likely that the senior could need Medicaid benefits in the future. Clients need to ensure that any actions taken to qualify for VA benefits do not disqualify them for Medicaid benefits they may need in the future. If you think this benefit would be helpful to yourself or your loved one **give us a call at 508-994-5200 to see if you qualify for a free consultation or call to get a copy of our New FREE Nuts and Bolt's Guide to Aid & Attendance.**



Surprenant & Beneski, P.C. is very excited to announce that we have expanded yet again!

Our new office is located just minutes from the Easton line at 1265 Belmont Street, Suite 2 in Brockton, MA. We can be reached there at 508-427-5400.

We have expanded to better serve our clients that live out of the immediate Bristol County area. New growth is always an exciting time and we look forward to making new friendships along the way!

Mark Your Calendars For These Upcoming Events in July!

Estate Planning 101 presentations! Call 1-800-929-0491 to reserve your seat! You can also register by going on-line to: www.myfamilyestateplanning.com

Is it Time to get your Ducks in a Row?

Tuesday, July 12th (code: Hyannis) 6:30pm-8:00pm
Hyannis Cape Codder, 1225 Iyannough Road, Hyannis, Ma 02601

Thursday, July 14th (code: Brockton) 6:30pm-8:00pm
Taunton Inn and Conference Center, 700 Myles Standish Blvd, Taunton, Ma 02780

Thursday, July 14th (code: Wamsutta) 5:30pm- 7:00pm
Wamsutta Club of New Bedford, 427 County Street, New Bedford, Ma 02740

Here's What You'll Learn...

- How living trusts avoid probate, why wills don't and what good trust planning costs.
- How your Healthcare Proxy, Living Will and the new HIPAA release must work together.
- How to avoid death taxes, guarantee IRA stretch outs and plan for disabled kids or grandkids.
- How to "bulletproof" your children's and grandchildren's inheritances from their divorces, debts, lawsuits, medical expenses, irresponsible life styles and transfers out of your bloodline.
- How to protect your home and savings from \$8,300/month nursing home bills and Medicaid without buying long-term care insurance – even if you or a loved one is in a nursing home now.
- How qualified veterans and their spouses can get up to \$1949/month for at-home health care or assisted living costs from a little-known VA benefit for non-service connected disabilities.



What is Hospice?

Hospice care is about helping patients live each day of their lives to the fullest extent possible, and providing support to both patients and their families. When making a decision about Hospice care, it helps to have a good understanding of what Hospice is, and what it isn't.

A challenge facing hospice providers nationally is the tendency of health care providers to delay in providing hospice, for a number of reasons—mainly due to a misconception that hospice services signal an abandonment of hope. Receiving hospice care does not mean giving up hope or that death is imminent. The earlier an individual receives Hospice care, the more opportunity there is to stabilize your medical condition and address other needs. Some patients actually improve and may be discharged from Hospice care.

Early involvement by the hospice team provides support and management of physical symptoms to the patient and the family. Hospice team members can assist in the decision making process associated with advance directives, health care proxies and do-not-resuscitate orders (DNR's). In keeping with both the hospice philosophy and the mission of the Masonic Health System, Overlook Hospice Services seeks to treat the whole patient— the "physical, psychosocial and the spiritual needs of individuals and families are addressed in a confidential compassionate manner".

Hospice is a Medicare benefit. Most private insurers also cover Hospice care as well. Through its charity care policies, Overlook Hospice Service is committed to caring for all patients, regardless of an individual's ability to pay. Hospice care usually takes place in the comfort of your home, but can be provided in any environment in which you live, including nursing homes, assisted living facilities, and residential care facilities.

All licensed Hospice programs must provide certain services, but the range of support services and programs may differ. Along with nursing, social services, spiritual and bereavement counseling, home health aides and volunteers, Overlook Hospice Services an extensive program of Integrated Therapies include Reiki, Massage, Aromatherapy, Reflexology, Music Thanatology, Pet Therapy and Journaling.

Overlook is also a part of "Pet Peace of Mind". A groundbreaking national program that enables hospice patients to keep their pets at home with them throughout their end of life journey.

This article was submitted by Louise Doucette of Overlook Hospice. For more information about Hospice Care. Please call Overlook Hospice Service at 508-434-2200.

Elder Law Today



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We invest 100% of our time & energy to delivering first-class service to our clients. As a result, our valued clients, partners, & friends refer their family, clients, friends & associates to us. We build strong, lifelong relationships, one person at a time!



*"Where liberty is,
there is my country"
Benjamin Franklin*

Happy 4th of July!