

VA Look-Back: What Do the Proposed Law Changes Mean to You and Your Clients?

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- Federal Register Vol. 80, No. 15, Part IV
- Department of Veterans Affairs
 - 38 CFR Part 3
 - Net Worth, Asset Transfers, and Income Exclusions for Needs-Based Benefits
 - Proposed Rule



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PURPOSE OF AMENDMENTS

- (1) To maintain the integrity of the pension program and
- (2) To implement recent statutory changes
- Real Purpose –
 - To stop attorneys, financial advisors and claimants from deliberate impoverishment to qualify for benefits



Establish new requirements

- Pertaining to
 - The evaluation of Net Worth and
 - Asset Transfers for pension and
 - Identify specific medical expenses that are deducted from countable income



Intended effect of changes

- (1) To respond to recent recommendations made by the Government Accountability Office
- (2) To maintain the integrity of VA's needs-based benefit programs and
- (3) To clarify and address issues necessary for consistent adjudication of pension and parent's DIC claims



Core changes

- Proposed § 3.274 – establish a clear net worth limit
 - \$119,220
 - (Medicaid's maximum community spouse resource allowance).
 - Indexed for inflation
 - (increase when Social Security increases; same increment)
 - Includes
 - Assets AND Annual Income
 - Calculated when VA receives
 - Original or New pension claims;
 - A request to establish a new dependent; or
 - Information that net worth has increased or decreased
 - Effective Dates
 - Set when rates are adjusted due to net worth



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