

March 30, 2022

Veterans Benefits

Welcome. We will begin at 11:00 am



AN AUGUSTANA | ELIM AFFILIATION

Serving all by following One

Emerald Crest of Burnsville



Christine Drasher
Marketing Director



Intelligent Memory Care

With four locations in **Burnsville, Minnetonka, Shakopee and Victoria, Minnesota**, Emerald Crest memory care communities are truly inspired by residents and families. **Emerald Crest** offers a specialized assisted living setting for seniors with Alzheimer's-related conditions. Our expertise allows us to create opportunities for your loved ones that go beyond conventional notions of memory care.



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Emerald Crest Memory Care Model

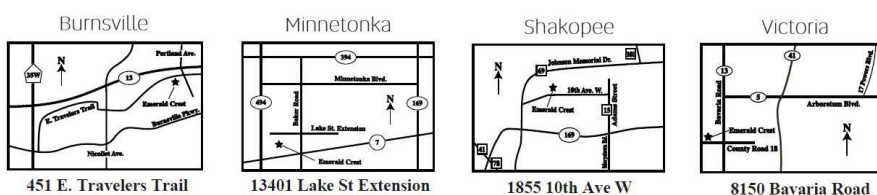


The Emerald Crest philosophy is rooted in the belief that individuals with dementia are unique and can flourish in an environment that provides them with opportunities for positive relationships, participation in their daily care and meaningful activities that promote success. Emerald Crest is solely dedicated to memory care and offers unique programming to meet residents' needs:

- Serene environments that are easy to navigate
 - 12-15 residents per house; 2-5 houses per location
 - Rooms surround common space, no long hallways
- Focus on ability rather than disability
 - Houses are designated by stages to provide specific programming and socialization
- Personalized care plan tailored to residents' unique needs
 - Developed by Registered Nurses and Occupational Therapists
- Comprehensive employee training program with qualified professional staff; those with direct care duties must undergo even further training and staff also receives on-going education annually



Emerald Crest Locations



www.EmeraldCrest.com ~ 952-908-2215

Apple Valley Village

www.applevalleycampus.org ~ 952-236-2600



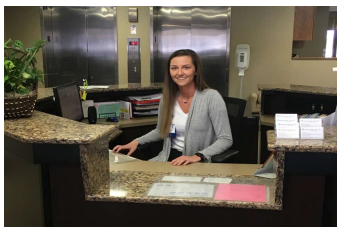
Jean Andries
Marketing Director



- **Independent Living**
- **Care Suites**
- **Assisted Living**
- **Short-Term Rehab**
- **Open Circle-Adult Day Services**
- **Skilled Nursing**
- **Memory Care**
- **Hospice Care**



Apple Valley Village Features



- Receptionist available 24/7
- Always someone available to answer an emergency
- Daily I'm Ok Checks
- Daily am coffee and pastries
- Daily afternoon coffee
- Chaplain on Site with Ecumenical Services twice a week, Bible Studies and individual visits.
- Assisted living services available in all apartments
- Home care staff available 24/7
- Licensed nurse available 7 days a week
- Common services provided: Bathing, Dressing, Medication Management, Physician Coordination and emergency response





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Apple Valley Village Amenities

- Chapel
- Deli/Convenience Store
- Fitness Center and Heated Therapeutic Pool
- Gift Shop
- Hair Salon
- Library/Computer Access
- Nail Salon
- On-site Medical Services
- Outpatient Therapy
- Free vacuuming once a week
- Billiards and Card Room
- Convenience to shopping and restaurants

The Regent of Burnsville www.applevalleycampus.org ~ 952-898-8722



Kimberlee Carpentier
Marketing Director



a ministry of **CASSIA**
senior living on earley lake

Located on beautiful Earley Lake, the Regent is south of the Minnesota River in picturesque Burnsville. Here, you'll find a warm, elegant atmosphere and friendly staff dedicated to stellar service and your well-being.



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Independent Living

Assisted Living

Memory Care

Care Suites

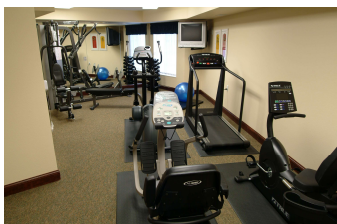
Respite



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The Regent Community Life

- Social, spiritual, recreational, educational and wellness-focused programs
- Beautiful Community Spaces: Movie Theatre, Billiards, Pub, Chapel, Exercise room, Beauty Shop, Library, Outside Patio, and much more
- Three delicious meals plus snacks available daily
- Transportation for scheduled outings and shopping
- Paved walking path around Earley Lake
- Security features such as controlled entrances and cameras in hallways and common areas
- Utilities included: heat, electricity, air conditioning, Wi-Fi, basic Direct television, water, trash removal
- 24-hour emergency call service
- Pets welcome
- Maintenance included
- Underground heated garage and storage units available



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Independent/Assisted Living

- Fully equipped, private apartments: some with lake views, balconies, bay windows and fireplaces
- Individual climate controls
- Private bathrooms: most with walk-in shower
- Personal washer and dryer in most apartments or complimentary laundry facility on each floor
- Light housekeeping
- Personal care staff on duty 24 hours a day
- Licensed nursing staff seven days a week
- Registered nurse on call at all times
- Initial healthcare assessment and ongoing monitoring
- Additional medical services as needed
- Daily "I'm okay" checks

Long Term Care Planning:

Veterans Benefits



Presented by:
Mary Frances M. Price,
Attorney at Law



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Speaker Intro – Mary Frances Price



Mary Frances Price is an Attorney at Law with Moss & Barnett. She is a graduate of Mitchell Hamline College of Law and received her undergraduate degree from Purdue University in West Lafayette, Indiana. Mary Frances has been licensed to practice law since 2005 and has counseled and advised hundreds of clients on their estate and elder care plans. Mary Frances focuses her practice on serving individuals and families who are establishing an estate plan, revising an existing estate plan or dealing with the legal, medical and financial impacts of aging, chronic illness and disability. She has been accredited to practice before the Department of Veterans Affairs since 2008. Since that time, she has counseled and advised veterans and their families on accessing state and federal VA benefits. She is the author of the chapter on Veterans Benefits for the Elder Law Handbook published by Minnesota Continuing Legal Education since 2012. Accordingly, her peers have recognized her as a leader in planning for veteran's benefits.



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Who Should Veterans Consult to Get Information?

- Family Member
- Accredited Agent or Accredited Attorney
- Agent through Veterans Service Organization
- County Veteran Service Officer



Who provides VA Benefits?

- Department of Veterans Affairs
 - Federal
 - State of Minnesota



What proof do I need to apply?

- Certified Record of Military Service
 - DD-214 (or equivalent)
 - If lost or destroyed, a copy may be ordered from [archives.gov](https://www.archives.gov)
 - Damaged records in 1973 Fire.
 - “The estimated loss of Army personnel records for those discharged from November 1, 1912, to January 1, 1950, was about 80 percent. In addition, approximately 75 percent of Air Force personnel records for those discharged from September 25, 1947, through January 1, 1964 (with names alphabetically after Hubbard, James E.) were also destroyed in the catastrophe.”



What proof do I need to apply?

- Marriage Certificate if seeking spousal benefits;
- Birth Certificate if seeking dependent benefits



Service Dates

- World **War** II (Dec 7, 1941, to Dec 31, 1946)
- Korean conflict (June 27, 1950, to Jan 31, 1955)
- Vietnam **War** era (Feb 28, 1961, to May 7, 1975, for Veterans who served in the Republic of Vietnam during that period.
- Date of Entry – Date of Discharge (active duty)



LEGEND: Insert N/A in the items below which are not applicable

1. LAST NAME - FIRST NAME - MIDDLE NAME WHEATLEY ELVIS ARON		2. SERVICE NUMBER US 53 310 761		3. GRADE, RATE OR RANK SOT E-5 (T)		4. DATE OF BIRTH (Day, Month, Year) 11 FEB 60	
5. PLACE OF BIRTH (City and State of Country) TUPELO MISS		6. DATE OF BIRTH 8 JAN 35		7. U.S. CITIZEN YES		8. MARITAL STATUS SINGLE	
9. RACE CAU		10. SEX MALE		11. HAIR BROWN		12. EYES BLUE	
13. HIGHEST CIVILIAN EDUCATION LEVEL ATTAINED 4 YRS HS		14. MAJOR COURSE OR FIELD GEN		15. TYPE OF TRANSFER OR DISCHARGE TRANSFER TO USAR (SEE 18)		16. STATION OR INSTALLATION AT WHICH EFFECTED FORT DIX NEW JERSEY	
17. REASON AND AUTHORITY AR 635-250 & PAR 7 AR 635-205 SPM 411 EARLY SEPARATION OF OVERSEAS RETURNEES		18. LAST DUTY ASSIGNMENT AND MAJOR COMMAND HQ GO 1ST MTR 32D ARMOR APO 39		19. CHARACTER OF SERVICE HONORABLE		20. TYPE OF CERTIFICATE ISSUED DD FORM 217A	
21. SELECTIVE SERVICE NUMBER 10 86 34 16		22. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY AND STATE # 86 MEMPHIS TENN		23. DATE OF ENTRY 24 MAR 58		24. DATE OF ENTRY 24 MAR 58	
25. TRANSFER TO USAR VII US ARMY CORPS (RESERVE)		26. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION <input type="checkbox"/> ENLISTED (First Enlistment) <input type="checkbox"/> ENLISTED (Prior Service) <input type="checkbox"/> REENLISTED		27. TERM OF SERVICE (Years) NA		28. DATE OF ENTRY NA	
29. PRIOR REGULAR ENLISTMENTS 23 MAR 64		30. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE ECT E-1		31. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) MEMPHIS TENN		32. STATEMENT OF SERVICE	
33. NONE OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County and State) GRACELAND HIGHWAY 51 SOUTH TENNESSEE (SHELLEY)		34. SPECIALTY BRANCH AND TITLE 133.60 ARMOR INTEL SPEC		35. D. O. T. NUMBER NA		36. CREDITABLE FOR BASIC PAY PERIODS	
37. RECORDATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED GOOD CONDUCT MEDAL		38. SERVICE SCHOOLS OR COLLEGES, COLLEGE TRAINING, COURSES AND/OR POST-GRADUATE COURSES SUCCESSFULLY COMPLETED		39. OTHER SERVICE TRAINING COURSES SUCCESSFULLY COMPLETED		40. STATEMENT OF SERVICE	
41. SERVICE SCHOOLS OR COLLEGES, COLLEGE TRAINING, COURSES AND/OR POST-GRADUATE COURSES SUCCESSFULLY COMPLETED		42. OTHER SERVICE TRAINING COURSES SUCCESSFULLY COMPLETED		43. STATEMENT OF SERVICE		44. STATEMENT OF SERVICE	



Effect of Divorce, Death & Remarriage on Spousal Benefits

- If divorced, no ability to claim on former spouse's service record
- If married to a veteran at the time of death, may be able to claim on that veteran's record if not remarried.
- If married to veteran at time of death then remarried and second marriage ends in divorce or death, then spouse can seek benefits on service record of first spouse.



State of Minnesota Dept. of Veterans Affairs

- MN Rule, Chapter 9050
 - 9050.0010 SCOPE.
 - “*This chapter applies to all veterans homes facilities presently owned or controlled by the state of Minnesota and operated by the commissioner of veterans affairs, to all facilities that are or may be developed in the future for ownership or control by the state of Minnesota and operation by the commissioner of veterans affairs, and to all individuals residing in or conducting activities in the facilities unless otherwise indicated.*”



State of Minnesota Benefits for Veterans

- *Minnesota Veterans Homes*
- *Adult Day Care*
- *Suicide and Homelessness Prevention*
- *Health and Disability Benefits Assistance*
- *Dental Benefits*
- *Education*
- *Employment*
- *Website: www.mn.gov/mdva/*



MN Veterans Homes

- *Locations*
 - *Fergus Falls*
 - *Silver Bay*
 - *Luverne*
 - *Twin Cities*
 - *Future: Bemidji, Montevideo and Preston*
 - *Hastings* Board and Care Facility. This is not a skilled nursing home.*



Minnesota Veterans Home Admission Eligibility

- 181 Consecutive Active Duty Days
- Age 55+
- In need of Skilled Care
- Open to Veterans or Veteran's Spouse
- Waitlist (Inactive and Active)
 - Male Veterans
 - Female Veterans
 - Non-veteran spouse



State Veterans Home Asset & Transfer Rules

- Spouse can have unlimited assets
- Resident can transfer assets to spouse up to day before moving in
- Resident can decide whether or not to make income available to spouse
- If spouse receives income, then no gifting
- If spouse receives income, then restrictions on use of assets



Example: Spouse with Unlimited Assets #1

- Veteran's spouse needs skilled care. Veterans and spouse co-own an apartment building worth \$950,000 that produces \$50,000/year of net income. Veteran retitles the building in his name alone and spouse moves to MNVH. No Penalty for transfer and all income allocated to Veteran. Spouse's maintenance charge based on her SS.



Example: Spouse with Unlimited Assets #2

- Veteran needs skilled care. Veteran has a \$350,000 IRA. Spouse has minimal retirement savings. Here, because the IRA is tax deferred, further analysis is needed to examine: (1) life expectancy; (2) tax consequences of cashing in IRA; (3) Break even point taking into consideration income tax and Medicare premium increase versus the actual benefit.



Example: Spouse with Unlimited Assets #3

- Veteran needs skilled care. Veteran has a \$350,000 401(k). Spouse has minimal retirement savings. Here, we have a similar challenge with the tax deferred character of the 401(k), however an In Marriage QDRO® should be explored to move the asset from ill spouse to well spouse while remaining tax deferred.



Asset Repositioning is Key to Maximize the Spousal Benefit

- The main thing to keep in mind with a Veterans Home plan under current MN Rule 9050 is that asset transfers between spouses are permitted before the ill spouse becomes a resident.
- Once the estate is shifted to the well spouse, the estate plan should be updated.



Community Spouse Estate Plan

- If ill spouse moves to the Veterans Home, the well spouse should consider updating their estate plan – typically a spousal omission plan.
- Spousal Omission plan may include a new will omitting spouse, consent to the will by the ill spouse and updated beneficiary designations.



Estate Recovery

- Estate Recovery is associated with Medicaid. This is the law that gives the State the right to recover against the estate of the spouse of a Medicaid recipient after the death.
- When a well spouse predeceases, State will force ill spouse to seek elective share.
- Historically no estate recovery for Vets Home. However, in recent years the MNVH has been inquiring/requiring the resident spouse to disclose estate of predeceased spouse and in some cases forcing the surviving spouse to seek the elective share



Adult Day Programming

- MDVA runs an adult day program on the MN Veterans Home Campus
- The Federal VA also offers support for those in need of adult day programming



Federal Department of Veterans Affairs

- Two Branches
 - Veterans Health Administration (VHA)
 - Admission
 - 10-10EZ
 - Required service record – 1 day
 - Veterans Benefits Administration (VBA)
 - Benefits available depending on service record, assets, income, disability rating



Veterans Health Administration

- VA Hospitals/Nursing Homes
- Prescription Benefits
- Outpatient Dental
- Services for Blind/Hearing Impaired
- Home and Community Based Supports
 - Day Activity Programming
 - Home Care
 - Nurse Home Visits



Veterans Benefits Administration

- Service Connected Compensation
- Home Loans
- Burial Benefits
- Life Insurance
- Pension



Service Connected

- Service Connected ratings 0%-100%
- 70% or higher
- 10% and above compensable
- Ratings can go up and down over time
- Veteran may have more than one rating
 - Example: 10% hearing loss and 60% heart disease due to Agent Orange Exposure



Non-Service Connected Pension

- 90 Consecutive Active Duty Service Days
- 1 Day wartime or conflict period
- Discharge-Cannot be dishonorable



Non-Service Connected Pension

- Improved Disability Pension
 - Veteran is living
- Improved Death Pension
 - Veteran is Not Living
 - Surviving Spouse



How is eligibility determined?

- Clinical Need
- Financial
 - Income
 - Assets



Income for VA Purposes IVAP

- Gross Income – (minus)
- Unreimbursed Medical Expenses= (equals)

Total Benefit Award



Unreimbursed Medical Expenses

- adaptive equipment
- care by a health care provider (Payments to a health care provider for services performed within the scope of the provider's professional capacity are medical expenses. Cosmetic procedures that a health care provider performs to improve a congenital or accidental deformity or related to treatment for a diagnosed medical condition are medical expenses.)
- health insurance premiums
- institutional forms of care and in-home care
- medications, medical supplies, medical equipment, and medical food, vitamins, and supplements – certain requirements may apply
- smoking cessation products, and
- transportation expenses (payments for transportation for medical purposes).



Clinical Need

- Must be rated for Housebound or Aid and Attendance
- Rating form 21-2680 is completed by a doctor who has examined the claimant



Housebound

- Housebound is defined as when the veteran is substantially confined to his or her dwelling and the immediate premises ... and reasonable certainty that the disability or disabilities and resultant confinement will continue throughout his or her lifetime. 38 CFR 3.351(d)(2)



Aid and Attendance

- Consideration in determining the need for regular aid and attendance 38 CFR §3.351(c)(3):
 - Inability of claimant to dress or undress himself (herself), or to keep himself (herself) ordinarily clean and presentable;
 - Frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid;
 - Inability of claimant to feed himself (herself) through loss of coordination of upper extremities or through extreme weakness;
 - Inability to attend to the wants of nature;
 - Incapacity, physical or mental, which requires care or assistance on a regular basis to protect the claimant from hazards or dangers



Financial

- Income
 - Claimant's household income must be less than the applicable MAPR (maximum annual pension rate)
 - Applicable means applicable for the client situation: veteran with one dependent, single veteran, surviving spouse



2021 Rates

STATUS	2022 MONTHLY BENEFIT AMOUNT
Surviving Spouse	\$1,318
Single Veteran	\$2,050
Married Veteran	\$2,431
Two Married Veterans	\$3,253

Income

- **Income Example**
 - Married Veteran living in ALF. Gross household income is \$3000 per month.
 - Deductible Medical Expenses are \$5700 per month.
 - Income (-) Deductible Medical Expenses (=) Income for VA Purposes
 - \$3000 (-) \$5700 (=) **-\$2700.**
 - IVAP(income for VA purposes) = \$0
 - You cannot deduct the negative income against the asset for net worth
 - Projected monthly benefit (=) Maximum Rate from Rate Table (-) IVAP
 - \$2295 (-) \$0 (=) \$2295

Assets

- Net Worth bright line limit is currently \$130,773
 - This is the federal Community Spouse Resource Allowance for Medicaid prescribed by Congress
- Net Worth is total combined IVAP **and** the assets of the claimant and dependents(s) *when applicable*.
- Assets include all property the claimant and dependent(s) own including real non-homestead and personal property



Assets

- Exceptions
 - Home plus up to 2 acres adjacent
 - Personal effects
 - Claimant does not have to be living in the home if residing in nursing home, foster home or other facility
 - If home is exempt and then later sold, can be reinvested in another home within 12 months or would need to be reported and eligibility would be reevaluated



Assets

- Net Worth Example
 - Married Veteran with IVAP of \$1000/month (\$12,000 per year)
 - Available Assets of \$120,000
 - Net Worth (=) IVAP (+) Available Assets
 - \$12,000 (+) \$120,000 (=) \$132,000
 - This claimant has excessive Net Worth because his Net Worth is \$132,000 which is over \$130,773



Assets

- Net Worth Example #2
 - Married Veteran with IVAP of \$0/month
 - Available Assets of \$120,000
 - Net Worth (=) IVAP (+) Available Assets
 - \$0 (+) \$120,000 (=) \$120,000
 - This claimant is under the Net Worth limit because his Net Worth is \$120,000 which is under \$130,773



Net Worth

- Net Worth includes IVAP, so low or no IVAP is critical to getting the maximum award
- Income is lowered by deducting allowable medical expenses from gross income
- Changes were made to the definition of Medical Expense Deduction for Purpose of Determining Net Worth were part of the new rule
 - Added ADL “difficulty getting around inside the home” is now the 6th ADL
 - Expenses for assistance with ADLs and IADLs by and in-home attendant are medical expenses
 - Must be a “health care provider” unless stated in writing by physician, PA, nurse



Transfers and Penalty

- 36 month look-back
- Applies to gifts/transfers on or after 10/18/2018
- Only a transfer of “covered” assets triggers a penalty
- Penalty divisor is MAPR for A&A for a married vet (see rate table) currently \$2295
- Penalty is imposed one month after the month of the transfer of covered assets
- Max penalty is 5 years



Penalty Example #1

- Claimant gives son \$50,000 for divorce lawyer in 08/2018
- Claimant applies for pension and at the time of application has a net worth of \$126,000
- Is Claimant eligible financially? (Yes because the gift was before the cut off)



Penalty Example #2

- Claimant gives son \$50,000 for divorce lawyer in 11/2018
- Claimant applies for pension and at the time of application his net worth is \$75,000
- Is Claimant eligible financially? (Yes because even though a gift was made if you add it back \$125,000 is less than \$130,773)



Penalty Example #3

- Claimant gives son \$50,000 for divorce lawyer in 11/2018
- Claimant applies for pension and at the time of application has a net worth of \$95,000 ($\$50,000 + \$95,000 = \$145,000$)
- Is Claimant eligible financially? (No because if you add it back he's over \$130,773)



Penalty Example #3

- Calculation of penalty for Example #3
 - Penalty (=) Amount of gift (/) MAPR
 - $\$50,000 (/) \$2266 = 22.06$ months beginning in 12/2018



Annuities and Trusts

- Funding a SPIA and/or Trust will be considered a voluntary transfer and will be subject to a penalty
- Revocable Trust and Annuities that can be surrendered are considered asset and are applied toward net worth
- Exception is transfer to a trust for the benefit of a child the VA determines is incapable of self support prior to age 18



Thank you for your attention!

**Mary Frances Price, Attorney at Law
Moss & Barnett**
MaryFrances.Price@lawmoss.com
612-877-5280

Appointments via Zoom, Phone or in person. I meet clients at the office, their home, a financial advisors office or the senior center, too!



Questions

At this time we will use the
Chat room for any Questions for Mary Frances?

PART III
Wednesday
April 27, 2022
11 am (Zoom)

Affordable Housing Options (Hud, Section 8, etc)

This session will cover senior living programs for independent senior housing settings, such as; Section 8 and HUD or Housing and Urban Development. Other topics Sherry will be covering are programs for assisted level care such as Alternative Care Grant, Elderly Waiver and Medical Assistance for long-term care.



Christine Drasher Christine.Drasher@cassialife.org

www.CassiaLife.org



Senior Housing Options

Independent Living
Assisted Living
Memory Care
Enhanced Care Suites
Respite
Long Term Care
Short Term Rehab

www.CassiaLife.org

Hospice

Grace Hospice
Minnesota Metro
(612) 238-0034

Guardian Angels † Elim

Buffalo · Elk River
(763) 241-0654

Home Care

Guardian Angels † Elim
Buffalo · Cambridge Elk River · Edina
(763) 241-0654

Pharmacy Services

A & E Pharmacy
1509 10th Ave S, Ste 16 Minneapolis, MN 55404
(612) 238-8615

Assistive Technologies

Cassia Learning Lab
32 Tenth Ave S, Suite 102 Hopkins, MN 55343
(952) 456-8796
(612) 554-2317 cell

Medical Supply

Elim Preferred Services
(763) 550-9486

Rehabilitation Therapies

Centrex Rehab
Minnesota, North Dakota, Colorado, Ohio
(952) 495-6000

Pro Rehab

Minnesota, Iowa, North Dakota
(952) 955-2242

www.CassiaLife.org