

Veterans' Health Care, Benefits & Claims Process

HJ 23 Study - Background Report

For the

State Administration and Veterans' Affairs Interim Committee

September 3, 2019

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Briefing Will Cover

PART I: Basic Organizational Structures

- Federal
- State
- Community

PART II: The Veteran - Navigating the System

- Needs
- Eligibility
- Claims Process



A Note About Who Veterans Are, What They Need

- Transitioning from active status
- Combat trauma
- Agent orange exposure – other toxic exposure
- Paralyzed, blind, traumatic brain injuries, etc.
- Special demographic – minorities, aging, students
- Special challenges – homeless, suicidal, incarcerated, low income
- Families
- Former POWs
- Specialized medical care
- Counseling - mental health or substance abuse
- Income assistance - disability
- Education
- Housing
- Job training/ vocational rehabilitation
- Family services

Sources: www.va.gov

Data - <https://www.va.gov/VETDATA/index.asp>

VA - State Summary for Montana

See attachment #1

VA - Fact Sheets

<https://www.va.gov/opa/publications/factsheets.asp>

PART I

Organizational Structure

A. Federal VA

Health Care System

Benefits Administration

National Cemeteries

Grant Programs
(administered under above)

Tribal Government
Relations

B. State

Montana Veterans' Affairs
Division (MVAD),
Board of Veterans' Affairs

- Benefit claims
- State cemeteries

DPHHS

- State vet nursing homes
- Suicide prevention program

Other state agencies

- state home loan
- state job services, etc.

C. Community

Veteran Service
Organizations

- American Legion
- VFW
- DAV
- VVA

Nonprofit organizations

- homelessness
- transportation
- other special support

County Programs

Tribal Programs

- VA - Office of Tribal Government Relations
<https://www.va.gov/TRIBALGOVERNMENT/locations.asp>
- Mission is to facilitate:
 - VA – Tribal government consultation - outreach
 - Access to VA health care – transportation, telehealth, etc.
 - Access to other VA benefits – jobs, housing, education, etc.
 - Recent federal rule change allows VA accreditation for eligible tribal organizations to provide claims assistance (i.e., Tribal Veteran Service Officers – TVSOs)
 - **See attachment #2**





VA Grant Programs

Health Administration
Benefit Administration
National Cemetery Administration

VA Grant Programs

- Specially Adapted Housing Assistance Technology (research)
- Transportation of Veterans in Highly Rural Areas
 - to **state** veterans service agencies & Veteran Services Organizations
- Supportive Services for Veterans Families
 - to private non-profit for very low-income veterans' families
- Homeless Providers Grant and Per Diem (community)
- Rural Veterans Coordination Program
 - to community-based orgs and to **local** and **state** gov't agencies
- National Veteran Sports Program

**veteran-focused grants from other agencies are not included in this presentations*

Some Grants Are Available Only To State Governments/Institutions

- State Veteran Nursing Homes
 - State Home Construction Program
 - State Nurse Retention Grant Program
 - State Home Per Diem Program
- State Veteran Cemeteries
 - Veterans Cemetery Grant Services (also available to Tribes)

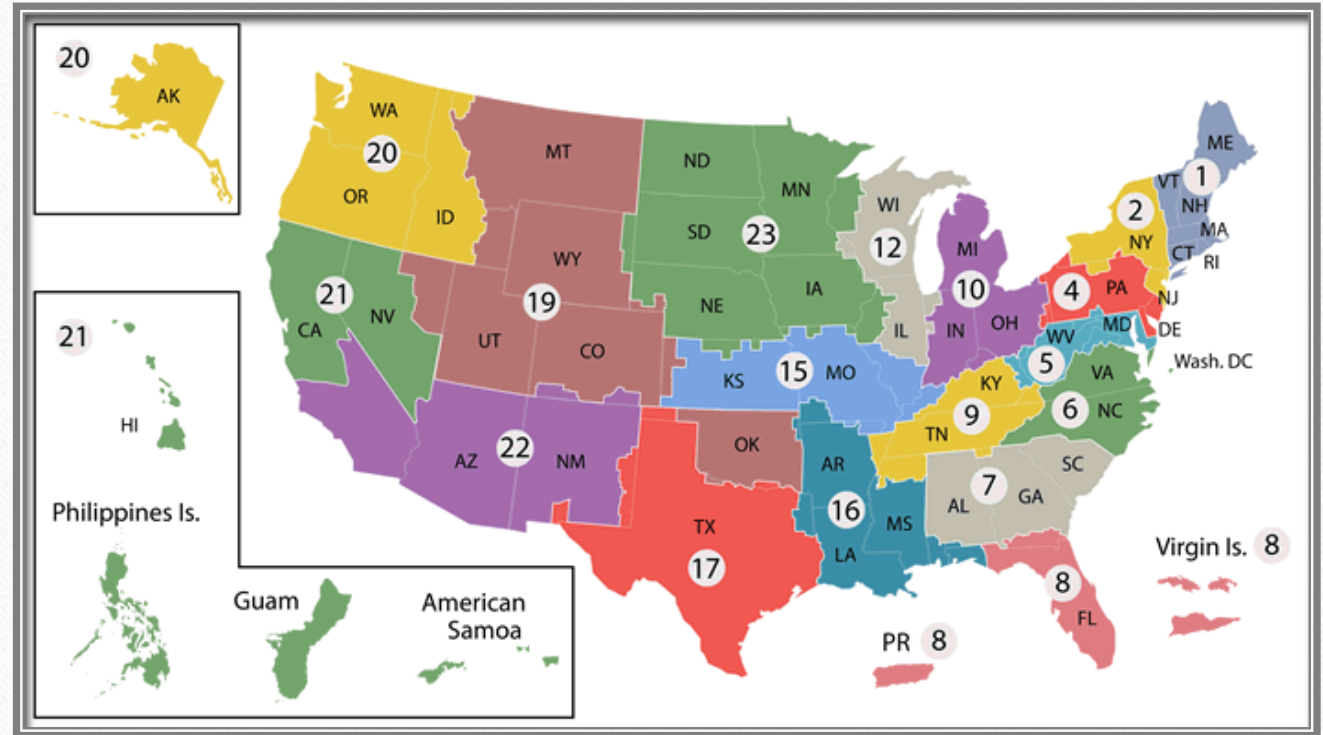


Veterans Health Administration



23 Veteran Integrated Service Networks (VISN)

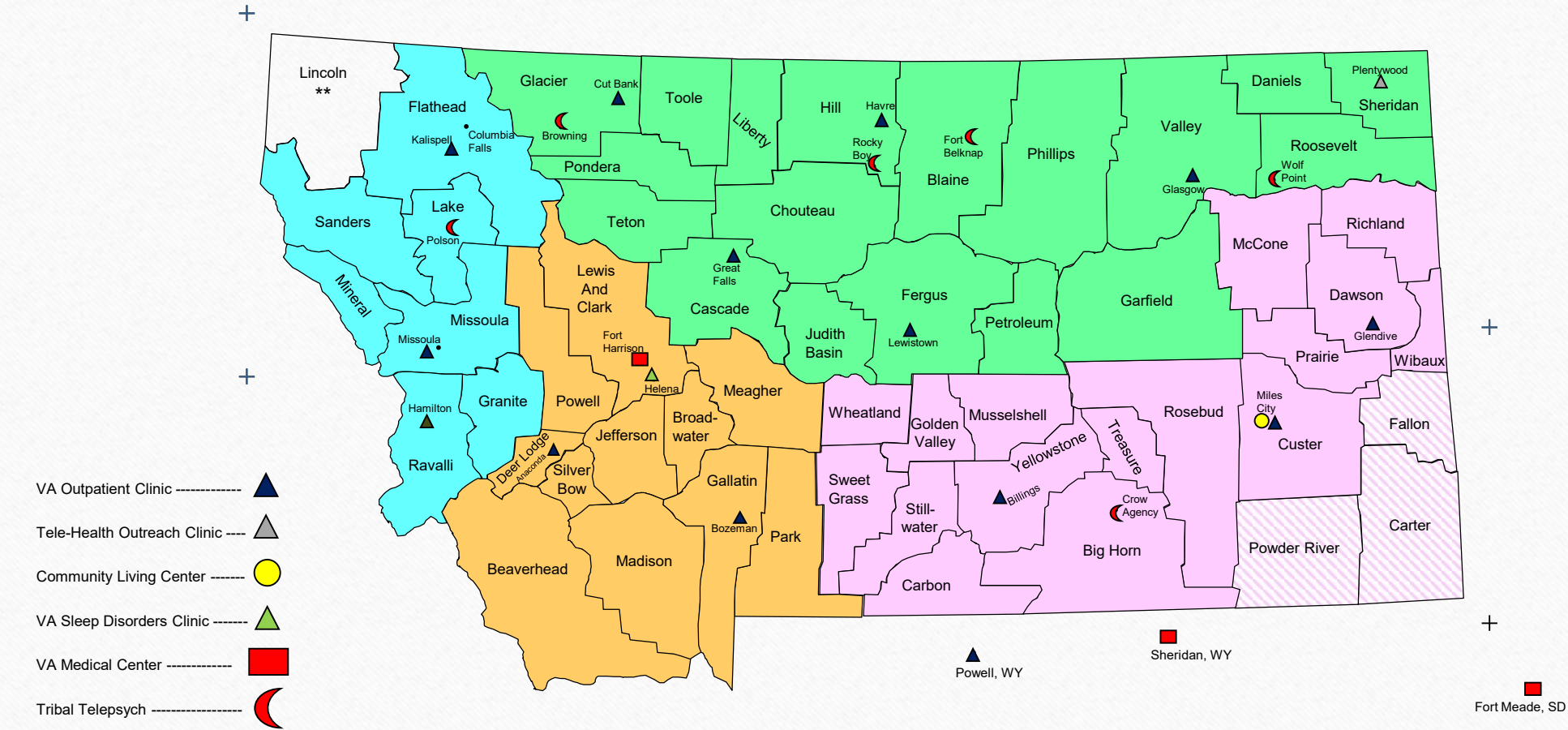
- America's largest integrated health care system - 9 million veterans served each year
- 1,244 health care facilities
 - 170 medical centers
 - 1,074 outpatient sites of care of varying complexity
- **Montana in VISN 19**



MONTANA VA HEALTH CARE SYSTEM

- Employees: 1,358 as of 8/5/19
(more than 35% are veterans)
- Operating budget: > \$300 million
- 147,000 square miles / 56 counties
Largest area in lower 48 states
- Telehealth available at all sites
- [See attachment #3](#)
- 1 Medical Center (Ft. Harrison)
- 1 Health Care Center (Billings)
- 12 Community Based Outpatient Clinics (CBOCs)
- Sleep Disorders Clinic (Helena)
- Community Living Center (Miles City)
- Primary Telehealth Outpatient Clinic (Plentywood)
- 6 Tribal Telepsychiatry Sites
- 4 Vet Centers (readjustment counseling)

THE LARGEST VA CATCHMENT AREA IN THE LOWER 48 STATES



Source: VA Montana PPT slide

MONTANA VA HEALTH CARE SYSTEM

Facility Level: II (standard complexity)

Number of Veterans Served:

Total Veterans*	Eligible Veterans**	Enrolled Veterans**	Unique Patients FY18	Unique Patients FY19 thru June 1
91,336	68,027	46,942	35,380	34,360

- * VA Fact Sheet, State Summary, Montana
- ** Base year 2017
- Montana has one of the highest per capita Veteran populations in the U.S.; in Montana approximately 8.6% are Veterans (US Census data)

Source: VA Montana Health Care System

Enrollment in VA Health Care System

- Basic Eligibility
 - Active military service for 24 months (some variations)
 - Discharged/released “other than dishonorable”
 - Reserve/National Guard called to federal active duty for certain amount of time
- Enrollment Process
 - Application
 - Veteran is assigned to a Priority Group

Eight Priority Groups

- Priority Group 1
 - 50% or more service-connected disability rating or unemployable
- Priority Group 2
 - 30-40% service-connected disability rating
- Priority Group 3
 - Former POWs, Purple Heart, Medal of Honor
 - Discharge was for disability incurred or aggravated in line of duty
 - 10-20% service-connected disability rating
 - Special eligibility classification under federal law “benefits for individuals disabled by treatment or vocational rehabilitation”
- Etc. <https://www.va.gov/health-care/eligibility/priority-groups/>

Eligibility for VA Health Care

- Each priority group has eligibility thresholds
 - Some veterans required to make co-payments
 - **Disability rating a key factor** – discussed later in this presentation
- Income threshold a key factor – FY 2019 table for Priority 8 group in MT by county
<https://www.va.gov/healthbenefits/apps/explorer/AnnualIncomeLimits/LegacyGMTThresholds/Index?FiscalYear=2019&PriorityGroupLevel=8&State=MT>
- NOTE: VA health care is not considered a health insurance plan



Veterans Benefits Administration



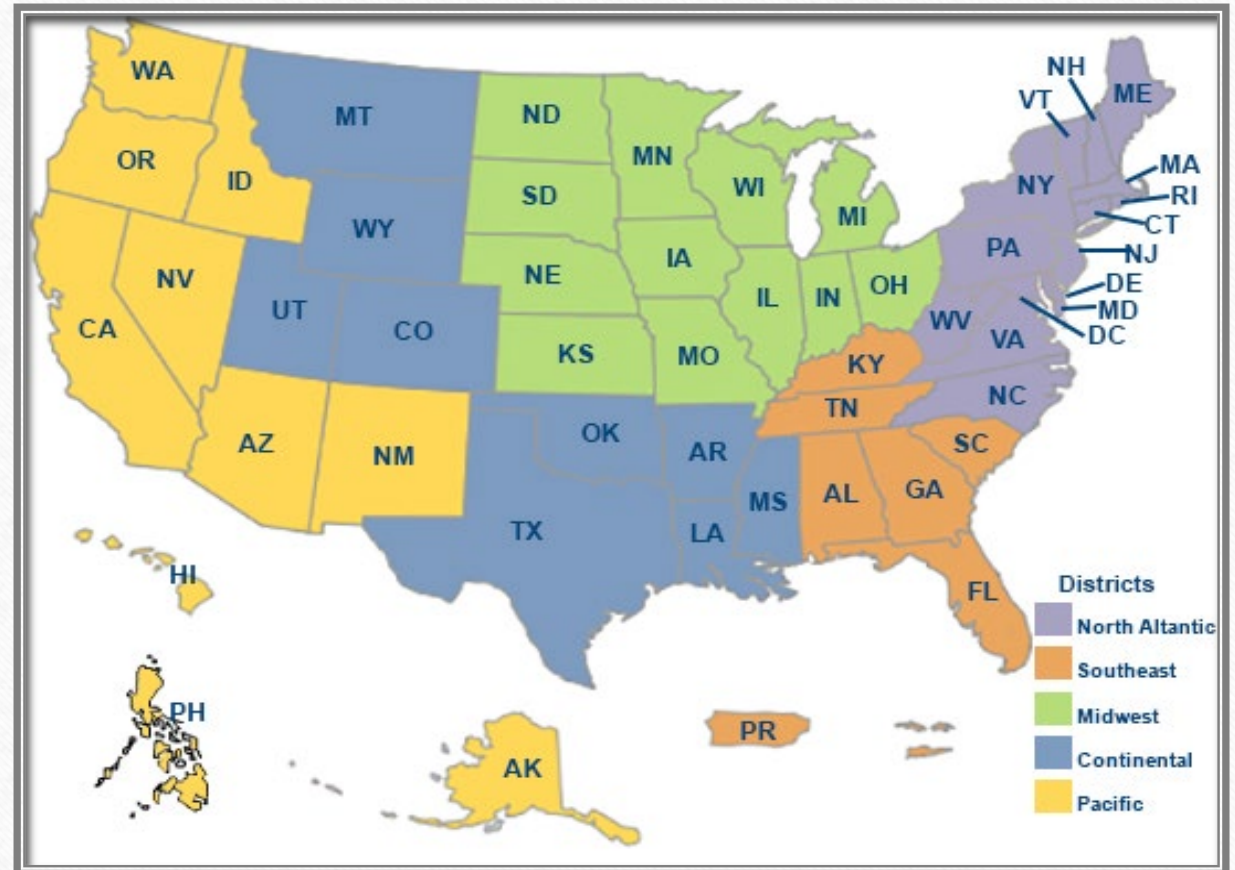
5 Veteran Benefit Districts

Each district has:

- 1 district office
- Regional benefit offices
- Regional loan offices

Montana

- Regional Benefit Office – (RO)
Fort Harrison, Helena, MT



VA Benefit Programs (other than health)

- Pensions
- Disability compensation
- Education & Training, and VetSuccess on Campus program
- Vocational Rehabilitation and Employment
- Home loans and mortgage delinquency assistance
- Life insurance
- Programs for special groups
 - Elderly, homeless, incarcerated, minority, former POW, etc.
- Services, such as:
 - Transition assistance (when leaving the military service)
 - Beneficiary counseling
 - Career counseling
 - Fiduciary services / financial management
 - Independent living, evaluation and home modification

VA Benefit Programs – other than health

- Eligibility criteria also depends on
 - Service connected disability/unemployability rating
 - Nonservice connected disability/unemployability rating
 - Special circumstances (e.g., medal recipient, income levels, recovering from surgery, etc.)
 - Other “derivative” benefits also available
 - <https://benefits.va.gov/benefits/>

State Structure



Main State Agencies

- **Montana Veterans' Affairs Division (MVAD) – more later**
 - Claims assistance (veteran service officers) – health and other benefit claims
 - State veteran cemetery program
- Dept. of Public Health and Human Services (DPHHS)
 - State Veterans' Homes (Columbia Falls, Glendive)
 - State Suicide Prevention Program

Other State Agency Programs – State Funding

- Dept. of Labor and Industry (employment)
- Dept. of Commerce (home loan)
- Dept. of Revenue (various tax exemptions)
- Commissioner of Higher Education (tuition waivers)
- Dept. of Fish, Wildlife and Parks (hunting/fishing licenses)
- Dept. of Justice (motor vehicles, license plates)

COMMUNITY RESOURCES



Community Resources

- Veteran Service Organizations – American Legion, VFW, DAV, VVA, others
- Nonprofit organizations – local or nationally-affiliated
 - VA grants
 - State grants
 - Donations
- Specialized missions
 - Emergency housing, food, job training, health services, legal aid, etc.
- County or Tribal Governments may develop programs or partnerships

PART II

The Veteran - Navigating the System

Where do you start?

Depends on who you are and what you need, but...

Contacting a **veteran service officer (VSO)** is best place to start

Will discuss who can be a VSO as we go ...



Entrance to VA Programs

Whether enrolling in VA Health Care System
or applying for nonhealth benefits,
it all begins with an

Application for Eligibility Determination  Claim Product

Historical Perspective on Claims Assistance

- Veteran benefits date back to Revolutionary War – kept evolving
- Congressional administration at first
- Growing complexity of benefit types, eligibility
- Federal agencies created, consolidated into VA
- Veterans needed help in presenting claims
- Non-judicial process desirable, but also advocacy on behalf of veteran
- Benefit claims process developed through veteran service organizations and negotiated with VA (American Legion at forefront)
- Federal laws and regulations governed (and still govern) claims
- States had interest, too, many state veteran boards or commissions date back to their statehood.
- Montana board created in 1919 to administer a Veterans' Welfare Fund – partnership with American Legion was key

For Veteran Applying for Care/Benefits

- Numerous ways, depending on benefit sought
 - <https://www.benefits.va.gov/BENEFITS/Applying.asp>
- eBenefits - online gateway
- Eligibility determination is based on:
 - Service – period, type, length
 - Status of discharge – e.g., other than dishonorable, etc.
 - **Disability rating – percentage of disability and service-connection**
- Need complete records to document eligibility
- **Veteran may apply as individual or with assistance of an advocate in front of VA**

Legal Basis for Agents to Assist

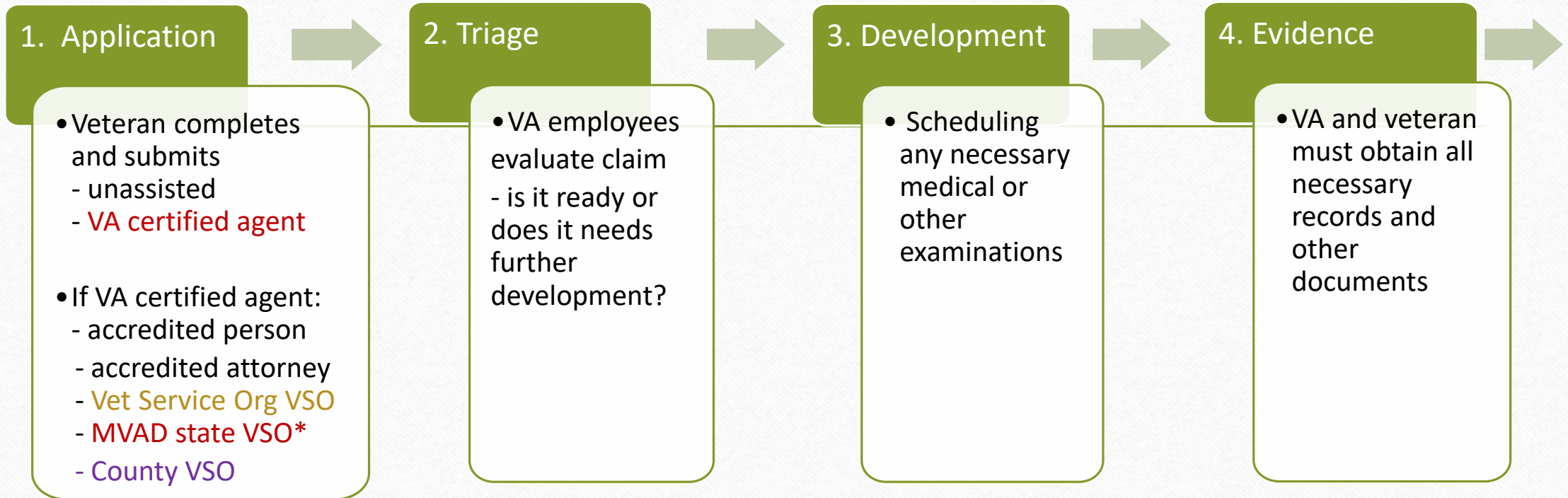
- Begins with federal law – 38 U.S.C. sections 5901 – 5905

- Agents acting for veterans
 - must be recognized/certified by VA – training and continuing education requirements
 - must hold veterans' power of attorney (POA)
 - may not charge a fee
- VA may recognize certain listed organizations as agents, such as American Legion, DAV, VFW, others
- **MVAD presentation will get into more detail*

Veteran Service Officer/Agent May Work For/Under Supervision of ...

- No one – if an individual or attorney certified by VA
- A congressionally recognized veteran service organization
 - American Legion, DAV, VFW, VVA, etc. – national and local organizations
- A state, county, or tribal government
 - State - **MVAD** has an agreement with a veteran service organizations and is also a VA recognized service organization itself
 - County - Ravalli County representative will address how their VSOs are certified (some at this meeting, more at subsequent SAVA meetings)
 - Tribal - is recent rule change, more info. to come at subsequent SAVA meetings

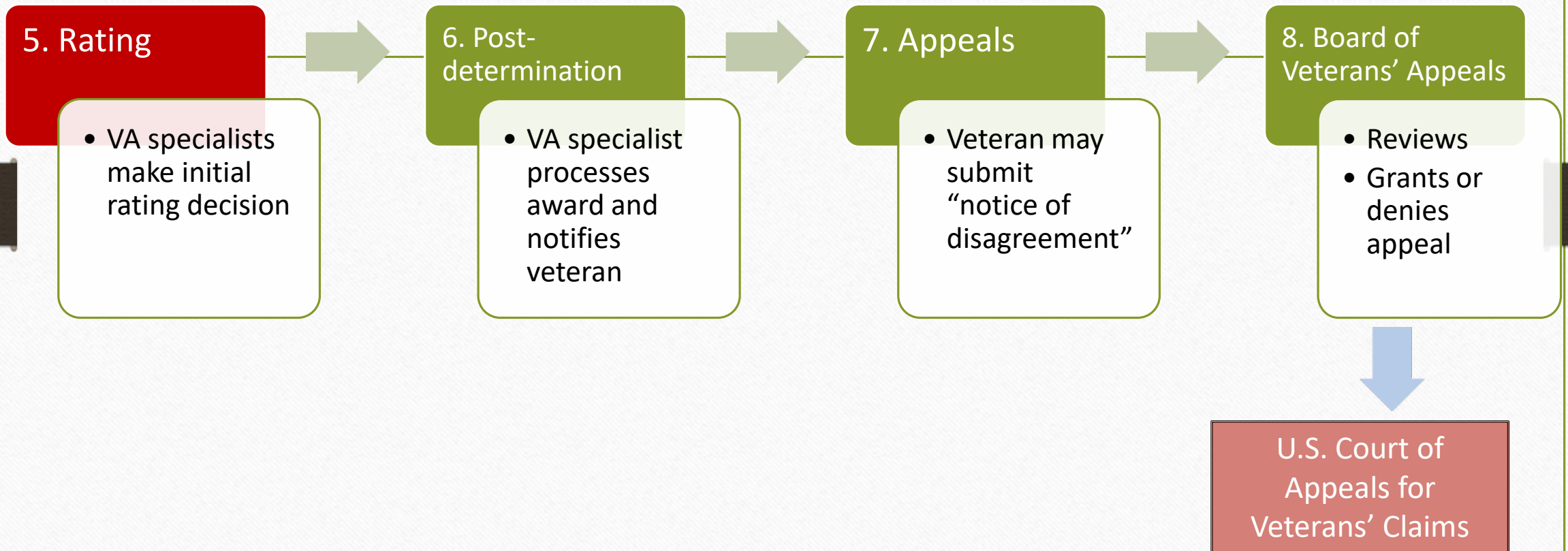
Basic Disability Claim Process – VA



***MVAD Veteran Service Officer Role – State Employees (under Kelly Ackerman)**

If veteran designates MVAD VSO as agent, VSO acts on behalf of veteran throughout process, to gather records, ensure application is complete, and walk veteran through every step

Basic Disability Claim Process - continued

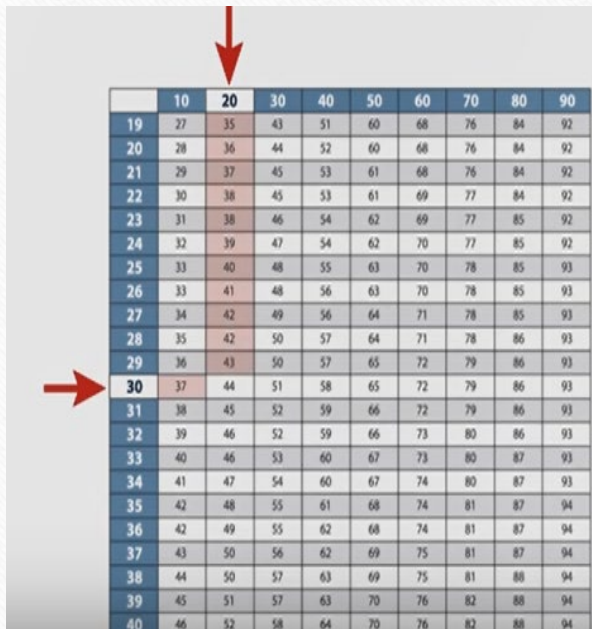


More on Disability Rating

- Service connection
 - Occurred during service
 - Aggravated during service
- Nature of condition
 - Chronicity
 - Continuity
- Evidence / documentation
 - Personnel records of service and medical records
 - Medical exams and opinions
 - Private medical records
 - Lay statements

Composite Rating if Multiple Conditions

- Total cannot exceed 100%
- Combined Rating Table



	10	20	30	40	50	60	70	80	90
19	27	35	43	51	60	68	76	84	92
20	28	36	44	52	60	68	76	84	92
21	29	37	45	53	61	68	76	84	92
22	30	38	45	53	61	69	77	84	92
23	31	38	46	54	62	69	77	85	92
24	32	39	47	54	62	70	77	85	92
25	33	40	48	55	63	70	78	85	93
26	33	41	48	56	63	70	78	85	93
27	34	42	49	56	64	71	78	85	93
28	35	42	50	57	64	71	78	86	93
29	36	43	50	57	65	72	79	86	93
30	37	44	51	58	65	72	79	86	93
31	38	45	52	59	66	72	79	86	93
32	39	46	52	59	66	73	80	86	93
33	40	46	53	60	67	73	80	87	93
34	41	47	54	60	67	74	80	87	93
35	42	48	55	61	68	74	81	87	94
36	42	49	55	62	68	74	81	87	94
37	43	50	56	62	69	75	81	87	94
38	44	50	57	63	69	75	81	88	94
39	45	51	57	63	70	76	82	88	94
40	46	52	58	64	70	76	82	88	94

Post-Traumatic Stress Disorder (PTSD) **30 %**

Diabetes Mellitus **20 %**

Peripheral Neuropathy **10 %**



Impact of Disability Rating - Far Reaching

- Eligibility for VA health care
 - priority group assignment (8 categories)
 - highest priority is group 1
 - service-connected disability rating of 50% or more and/or veterans determined to be unemployable due to service-connected conditions
- Amount of monthly disability compensation paid \$, \$\$, \$\$\$
- Eligibility for various other benefits, examples:
 - 10% service-connected disability for employment & vocational rehab programs
 - 50% rating and a purple heart for special DV license plate
 - 100% rating (among other criteria) for MT state property tax relief

Review

Federal VA System

- Health Administration
 - Hospitals
 - Clinics
 - Vet Choice/ MISSION Act
- Benefits Administration
 - Pensions
 - Disability compensation
 - Home loans
 - Job training
 - Education
- National Cemetery Administration
- Grant Programs
 - Community organizations
 - State or local government

State/County System

- **MVAD** (Board of Veterans' Affairs, DMA)
 - **Benefit claims assistance (VSOs)**
 - State cemeteries – some VA grant \$
- DPHHS
 - State Veteran Nursing Homes – some VA grant \$
 - State Suicide Prevention Program
- Other Agencies, Various Programs
 - Revenue, tax benefits
 - Labor & Industry, job training
 - Commissioner of Higher Ed, tuition waivers
 - FWP, hunting/fishing licenses
 - Dept. of Justice, MVD, vehicle licenses
- **County Veteran Service Offices**
 - Ravalli County – and HB 172 (2019)

Importance of Claim Product

- ## Quality Assurance

- Is there an attitude of advocacy for veteran?
- Is there technical proficiency and competency?
- Is veteran applying for all benefits eligible for?
- Is the claim product presented to the VA the best product that can be presented?

Previous Legislative Study: 2001-2002

- SB 401 (2003) – Revision/Reform of MVAD and Board of Veterans' Affairs

 - Compromise bill - See WHEREAS clauses - interim study under SJ 5 (2001) – Final Report
 - Expanded membership of the board (Section 1)
 - Spelled out existing duties of MVAD (Section 1)
 - Established new duties (Section 2) – communication/outreach, report, interagency cooperation
 - Added additional funding (Kris Wilkinson, LFD fiscal analyst, more info. on funding history)
 - Additional vehicle registration fee
 - Special patriotic license plate fee
 - Voluntary income tax check off (no significant revenue generated)

Also part of SB 401 (2003) – County Veteran Service Offices Authorized

- **NEW SECTION 6. County veterans' service officers.**
- County **may** establish own VSO/office
- With advice of the Board/MVAD, but no formal oversight or supervisory relationship
- County VSO **must** be trained under 38 CFR 14.629 - federal standards for VA certified agents
- County **may** fund through 15-10-425, MCA, mill level election or other means allowed by law

2019 Session - HB 172

- Sponsored by Rep. David Bedey (R – Hamilton)
- Revises 10-2-115 (enacted in 2003) – County veterans' service offices.
- Allows multicounty offices.
- Establishes a grant program:
 - Administered by Board of Veterans' Affairs/MVAD
 - To eligible counties – spells out criteria for eligibility
 - Funding as appropriated by the legislature - \$30,000 from GF for biennium
 - Grant amount based number of veterans residing in the county(ies)
 - Requires reporting of certain data and info.
- Terminates (sunsets) June 30, 2023

2019 Session – HJ 23 Study (Dudik)

- SAVA to examine:
 - Structure

 - Current **state** MVAD VSO offices – outreach efforts and number of veterans served
 - Alternative models, including **county-based models** – other states
 - Options for improving outreach and increasing number of veterans served, **including in Indian Country**
 - Funding
 - Sources
 - Adequacy
- Include all interested stakeholders
- Develop recommendations, as appropriate based on study findings

Questions ?

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Exhibit 1