



October 8, 2018

BRAVE Act Aid and Attendance Bill a Victory for Frail Veterans

In time for Veterans Day on November 11, we bring great news for elder veterans, who will benefit along with all other veterans from the BRAVE Act that was signed by Governor Baker on August 9, 2018.

Included in this bill (Chapter 218 of the Acts of 2018) is Section 28. This section is the Aid and Attendance bill, which was written by MassNAELA (the Massachusetts Chapter of the National Academy of Elder Law Attorneys) and sponsored by State Senator Michael Rush, the Senate Chair of the Joint Committee on Veterans and Federal Affairs.

“Aid and Attendance” is a cash benefit offered by the Veterans Administration for older veterans who served during war and have limited income and assets. It gives them the means to bring care into the home or pay for assisted living. However, for many veterans, it is not enough to pay for the care they need and additional care is needed. For that they will need to apply for MassHealth.

Federal law specifically states that veterans’ payments resulting from unusual medical bills are non-countable for Medicaid purposes. However, prior to the Section 28 legislation, MassHealth guidelines were unclear on how Aid and Attendance benefits relate to unreimbursed medical expenses and whether the Veteran’s benefits were partially countable or not. As a result, there was inconsistency in the application of the rules and frail veterans in need of care, who were otherwise eligible for MassHealth, were often found ineligible. Section 28, the Aid and Attendance bill, ensures that veteran’s benefits intended to help medically needy veterans pay for care are excluded for MassHealth qualification purposes.

In our role as an advocate on legislation supporting the elderly and those with special needs, MassNAELA wrote the language for Section 28 of the BRAVE Act to ensure veterans receive all the benefits they can to pay for the cost of care. We encourage veterans and their families to contact us if they have any questions about Section 28 or need assistance with applying for benefits.

Sincerely,

Karen B. Johnson
President of the Massachusetts Chapter of the National Academy of Elder Law Attorneys