Special Monthly Compensation (SMC) K, S and L (RVSR IWT)

Instructor Lesson Plan

Time Required: 1.5 Hours

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Review Exercise – Answer Key 15

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| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4178895 |
| Prerequisites | Not Applicable |
| target audience | The target audience for Special Monthly Compensation (SMC) K, S and L (RVSR IWT) is RVSR Challenge trainees  Although this lesson is targeted to teach the RVSR Challenge trainees, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Special Monthly Compensation (SMC) K, S and L (RVSR IWT) PowerPoint * Special Monthly Compensation (SMC) K, S and L (RVSR IWT) Primer Handout * Special Monthly Compensation (SMC) K, S, and L (RVSR IWT) Review Exercises |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Introduction to Special Monthly Compensation (SMC) K, S and L (RVSR IWT) | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.5 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to introduce the concept of Special Monthly Compensation (SMC), and to present the three most common levels of SMC and the schedular requirements for entitlement. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * General Information on SMC * Introduction to SMC K * Introduction to SMC S * Introduction to SMC L |
| Lesson Objectives  Discuss the following:  Slide 2 | Given all available references, RVSR trainees will be able to accomplish the following with 98% accuracy:   * Demonstrate an understanding of the basis for SMC and how it fits into the process of determining disability evaluations. * Know the reference for the topics of SMC K, L, S. * Be familiar with the schedular requirements for eligibility | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| STAR Error code(s) | A1, A2 | |
| References  Slide 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [38 U.S.C. 1114, Rates of wartime disability compensation](https://www.law.cornell.edu/uscode/text/38/1114) * [38 CFR 3.350, Special monthly compensation ratings](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1350) * [38 CFR 3.352, Criteria for determining need for aid and attendance and “permanently bedridden”](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1352) * [M21-1, Part III, Subpart iv, Chapter 8, Section C, Protected Ratings](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014213/M21-1-Part-III-Subpart-iv-Chapter-8) * [M21-1, Part IV, Subpart ii, Chapter 2, Section H, Special Monthly Compensation (SMC)](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#agent/portal/554400000001034/article/554400000014571/M21-1-Part-IV-Subpart-ii-Chapter-2-S) * [SMC Training Guide](http://cptraining.vba.va.gov/C&P_Training/RVSR/SMC.htm) * [SMC Calculator](http://vbaw.vba.va.gov/bl/21/Systems/Docs/smccalculator.doc) * [SMC User Guide](http://vbaw.vba.va.gov/bl/21/systems/docs/SMCUG.doc) * [VAOPGCPREC 5-89, Entitlement of SMC for Anatomical Loss of a Creative Organ Following Elective Sterilization](http://www.va.gov/ogc/docs/1989/PREC_05-89.doc) | |

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| Topic 1: General Information on SMC | |
| Introduction | This topic will allow the trainee to understand the basis for SMC and how it fits into the process of determining disability evaluations and to become familiar with and use the SMC Calculator. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand the basis for SMC and how it fits into the process of determining disability evaluations * Be familiar with and use the SMC Calculator |
| Definition: SMC  Slide 4  **M21-1.IV.ii.2.H.1.a**. Definition: SMC | ***Special Monthly Compensation (SMC)*** is an ***additional level*** of compensation to Veterans (above the basic levels of compensation payable based on disability ratings of 0 to 100 percent) for various types of anatomical losses or levels of impairment due solely to service-connected (SC) disabilities. |
| Examples  Slide 5 | * Loss or loss of use (LOU) of specific organs, sensory functions, or extremities * Disabilities that confine the Veteran to his/her residence * Disabilities that render the Veteran permanently bedridden or in need of aid and attendance |
| Determining LOU  Slide 6  **M21-1.IV.ii.2.H.1.b.**Responsibility for Determining LOU  **M21-1.IV.ii.2.H.1.c.**Information to Request From an Examiner to Determine LOU  **M2-1.IV.ii.2.H.1.e.** Considering Amputation or LOU of Extremities | The responsibility for determining whether there is loss of use (LOU) of an extremity rests with the rating activity.  If requesting an examination to determine LOU of an extremity (if not provided in DBQ), ask the examiner to furnish a   * detailed objective description of remaining function * quantitative assessment of strength for each extremity involved, and * description of any pain that affects use   A determination as to LOU of a hand or foot is not restricted to organic loss; it includes functional LOU as well.  The relevant inquiry concerning entitlement to SMC is whether the effective function remaining is/would be equally well served by an amputation with the use of a suitable prosthetic appliance. |
| Mandatory Use of the SMC Calculator  Slide 7  **M21-1. IV.ii.2.H.1.h.** Mandatory Use of the SMC Calculator | The rating activity must use the SMC Calculator on the Compensation Service Rating Job Aids web page to determine the appropriate SMC codes and SMC paragraphs to input into the Codesheet of the rating decision.  Decision makers are required to upload the SMC Calculator worksheet results in the claims folder (VBMS).  Identify the worksheet by entering the following information:   * TYPE: Worksheet: Rating Calculator Worksheets * SOURCE: VBMS * SUBJECT: SMC Calculator Worksheet |
| Avoid Separate SMC Assignments for L/LOU of an Extremity  Slide 8 | Do not assign SMC for   * loss or loss of use (L/LOU) of a leg and L/LOU of the foot of the same leg, or * L/LOU of an arm and L/LOU of the hand of the same arm   If a Veteran has L/LOU of a leg, the L/LOU of the foot of the same leg is subsumed in the level of SMC assigned to the leg. Similarly, if a Veteran has L/LOU of an arm, the L/LOU of the hand of the same arm is subsumed in the level of SMC assigned to the arm. |
| Exercise | Exercise is performed at the end of the lesson. |
| note(s) | N/A |
| DEMONSTRATION | Demonstration of the SMC Calculator is performed at the end of the lesson. |
| Topic 2: SMC K | |
| Introduction | This topic will allow the trainee to know the reference for SMC K and become familiar with the schedular requirements for eligibility of this benefit. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Know the reference for SMC K * Be familiar with the schedule requirements for eligibility for SMC K |
| Criteria for SMC K  Slide 10  **M21-1.IV.ii.2.H.4.a.** Eligibility Criteria for SMC Under 38 U.S.C. 1114(k) | SMC under 38 U.S.C. 1114(k) and 38 CFR 3.350(a) is payable for the following levels of impairment   * L/LOU of a creative organ * L/LOU of a hand * L/LOU of a foot * L/LOU of both buttocks * deafness of both ears having absence of air and bone conduction * complete organic aphonia with constant inability to communicate by speech * blindness in one eye, having light perception only (LPO), and * loss of 25-percent or more of tissue from one or both breasts or breast tissue has been subject to radiation treatment |
| General Information for SMC K  Slide 11  *SMC Instructor Guide, Part I, page 32-33* | Veteran may be eligible for more than one (k) if he/she meets the criteria for that condition and   * qualifying disabilities involve separate and unrelated body functions, and each is considered only once   **Example**: a Veteran may have loss of use of an eye, anatomical loss of a foot, and loss of use of a creative organ |
| SMC for L/LOU of a Creative Organ  Slide 12  **M21-1.IV.ii.2.H.4.c.** Awarding SMC for L/LOU of a Creative Organ  **M21-1.IV.ii.2.H.4.d****.** Basis for Considering Entitlement to SMC for L/LOU of a Creative Organ  SMC Instructor Guide, Part I, page 23-24 | The issue of entitlement to SMC for L/LOU of a creative organ may be   * based on a specific claim, or * inferred from the evidence of record, such as a VA examination or hospitalization report.   Award SMC based on L/LOU of a creative organ, if medical evidence of records shows   * the acquired absence of one or both testicles, ovaries, or other creative organs * a condition of the reproductive tract which results in LOU of a creative organ, such as retrograde ejaculation or spermatozoa dumping into the bladder in a male Veteran * the loss of erectile power secondary to a disease process, such as diabetes or multiple sclerosis, in a male Veteran, or * a diagnosis of Female Sexual Arousal Disorder (FSAD) * SC for prostate cancer and the evidence of record includes a surgical report showing a radical prostatectomy was performed. If no radical prostatectomoy was performed clinical evidence of LOU of creative organ is required   **Important**: The successful use of medication or prosthetic implant to restore erectile ability does not preclude the award of SMC for LOU if the Veteran is unable to complete the act of procreation.  **Note**: Loss or loss of use of a creative organ traceable to an elective operation performed subsequent to service will not establish entitlement to the benefit. ***Unless***, in cases where the existence of a disability, causing loss of use of a creative organ, is discovered during an elective operation post-service, and the disability is shown to be related to service, entitlement to SMC (k) can be granted. |
| SMC for LOU of a Hand or Foot  Slide 13  **M21-1.IV.ii.2.H.4.e****.** Awarding SMC for LOU of a Hand or Foot  **M21-1.IV.ii.2.H.4.f****.** Other Medical Indications of LOU of the Foot | Award SMC for LOU of a hand or a foot when function is no better than if the hand or foot were amputated and replaced by prosthesis.  When considering LOU, determine whether the following activities could be accomplished equally well by a prosthesis   * grasping or manipulation (for a hand), and * balancing, propulsion, or ambulation (for a foot)   Other medical indications of LOU of the foot include   * extremely unfavorable complete ankylosis of the knee * complete ankylosis of two major joints of a lower extremity * shortening of the lower extremity three and one-half inches or more, and * complete paralysis of the external popliteal (common peroneal) nerve and consequent foot drop, accompanied by characteristic organic changes |
| SMC for LOU of Both Buttocks  Slide 14  **M21-1.IV.ii.2.H.4.g****.** Awarding SMC for LOU of Both Buttocks | Award SMC for LOU of both buttocks when there is severe damage by disease or injury to muscle group XVII (the gluteus maximus, gluteus medius, and gluteus minimus), bilaterally, which renders the Veteran unable to complete the following actions   * rise from a seated or stooped position, and * maintain postural stability |
| SMC for Deafness  Slide 15  **M21-1.IV.ii.2.H.4.h****.** Awarding SMC for Deafness | Award SMC for deafness of both ears, having absence of air and bone conduction, if the SC bilateral hearing loss warrants a 100-percent evaluation under the evaluation criteria in 38 CFR 4.85 and 38 CFR 4.86 for hearing impairment.   * Hearing loss justifying an award of SMC must be permanent in nature. |
| SMC for Complete Organic Aphonia  Slide 16  **M21-1.IV.ii.2.H.4.i****.** Awarding SMC for Complete Organic Aphonia | Award SMC for complete organic aphonia if a disability of the organs of speech exists that constantly precludes communication by speech and   * the Veteran is unable to communicate by voice or whisper through the normal organs of speech, and * the disability is constant and of organic origin * Complete organic aphonia most frequently results from loss or paralysis of an organ of speech such as the tongue or larynx. * The use of other organs of the body or prosthetic devices to provide voice sounds does not preclude entitlement to SMC |
| SMC for LOU or Blindness of One Eye  Slide 17 | Award SMC for LOU or blindness of one eye, having LPO, when the Veteran is unable to   * recognize test letters at one foot, and * recognize objects, hand movements, or count fingers at a distance of three feet.   ***Note***: SMC is also payable for the anatomical loss of an eye. |
| SMC for Loss of Breast Tissue  Slide 18  *M21-1.IV.ii.2.H.4.k**. Awarding SMC for Loss of Breast Tissue* | Entitlement to SMC for loss of tissue from one or both breasts is limited to female Veterans.   * for loss of 25-percent or more of the tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy), or * when breast tissue has been subjected to radiation treatment. |
| Exercise | Exercise is performed at the end of the lesson. |
| note(s) | N/A |
| DEMONSTRATION | Demonstration of the SMC Calculator is performed at the end of the lesson. |

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| Topic 3: SMC S | |
| Introduction | This topic will allow the trainee to know the reference for SMC S and become familiar with the schedular requirements for eligibility of this benefit. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Know the reference for SMC S * Be familiar with the schedule requirements for eligibility for SMC S |
| Criteria for SMC S  Slide 20  **M21-1.IV.ii.2.H.10.a.** Statutory Entitlement to Housebound Benefits | The Housebound benefit or SMC (s) is payable under 38 U.S.C. 1114(s) (38 CFR 3.350(i)) to a Veteran who has a single, SC disability evaluated as totally disabling, and   * has an additional SC disability, or combination of disabilities, independently evaluated as 60-percent or more disabling (S1), or * is permanently housebound due to SC disability (S2)   If the Veteran is entitled to Housebound benefits by statute (without demonstrating need, under 38 U.S.C. 1114(s)), the additional disability(ies), evaluated as 60-percent or more disabling, must   * be separate and distinct from the single disability evaluated as totally disabling, and * involve separate anatomical segments or body systems |
| Single Disability for Housebound Purposes  Slide 21  **M21-1.IV.ii.2.H.10.b.** Defining a Single Disability for Housebound Purposes | A single disability evaluated as 100-percent disabling under a schedular evaluation is generally a prerequisite for entitlement to housebound benefits.  This includes a total disability evaluation based on IU, which is awarded based on one disability. This **satisfies** the regulatory requirement of “a single SC disability rated as 100 percent” for the purposes of awarding SMC housebound benefits under 38 CFR 3.350(i). (*Bradley v. Peake*)  However, a total rating based on IU when awarded for multiple disorders treated as one disability under 38 CFR 4.16(a) **does not satisfy** the regulatory requirement of “a single SC disability rated as 100 percent.” |
| Single Disability for Housebound Purposes (Examples)  Slide 22  **M21-1.IV.ii.2.H.10.b.** Defining a Single Disability for Housebound Purposes | **Example – IU award based on a single disability:** A Veteran is in receipt of IU based solely on depression evaluated as 70-percent disabling. Subsequently SC is granted for coronary artery disease (CAD) and a 60-percent evaluation is assigned. SMC (s) at the statutory housebound rate is awarded.  **Example – IU award based on multiple disabilities**: A Veteran is in receipt of IU based on two SC disabilities:– ankylosis of the right shoulder evaluated as 50-percent disabling and residuals of a left radius fracture evaluated as 20-percent disabling. Both disabilities are due to a motor vehicle accident (MVA) that happened during the Veteran’s active duty service. He is awarded IU based on the disabilities caused by the MVA. The Veteran’s separate issue of CAD is later SC and evaluated as 60-percent disabling. The CAD, by itself, does not render the Veteran unemployable. SMC (s) at the statutory housebound rate is not awarded. |
| Temporary Total Ratings and SMC S  Slide 23  **M21-1.IV.ii.2.H.10.c.** Temporary Total Ratings Used to Award SMC(s) | Temporary evaluations of 100 percent under 38 CFR 4.28, 38 CFR 4.29, and 38 CFR 4.30 of the Rating Schedule may be used as a basis for awarding SMC at the housebound rate. |
| Permanently Housebound in Fact  Slide 24  **M21-1.IV.ii.2.H.10.d.** Determining Whether the Veteran Is Permanently Housebound in Fact | If entitlement is based on the Veteran being housebound in fact, the law requires the housebound state to be permanent.  Consider a Veteran permanently housebound if, as a result of a single, total disability, by itself or in combination with other SC disabilities, the Veteran is permanently and substantially confined to   * his/her place of residence and immediate premises, or * ward or clinical areas, if institutionalized   **Important**: Leaving home for medical purposes cannot, by itself, serve as the basis that a Veteran is not substantially confined. |
| Exercise | Exercise is performed at the end of the lesson. |
| note(s) | N/A |
| DEMONSTRATION | Demonstration of the SMC Calculator is performed at the end of the lesson. |

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| Topic 4: SMC L | |
| Introduction | This topic will allow the trainee to know the reference for SMC L and become familiar with the schedular requirements for eligibility of this benefit. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Know the reference for SMC L * Be familiar with the schedule requirements for eligibility for SMC L |
| Criteria for SMC L  Slide 26 | SMC under 38 U.S.C. 1114(l) and 38 CFR 3.350(b) is payable for the following levels of impairment   * L/LOU of use of both feet * L/LOU of use one hand and one foot * blindness in both eyes with visual acuity of 5/200 or less * being permanently bedridden, or * so helpless as to be in need of regular aid and attendance |
| Criteria for Aid & Attendance under SMC L  Slide 27  **M21.1-IV.ii.2.H.8.b.** Considering the Level of Disability Required for Entitlement to A&A | The criteria for entitlement to A&A, which appear in 38 CFR 3.352(a), require that the Veteran be so helpless due to physical or mental incapacity as a result of SC disability that he/she requires the aid of another person to perform the personal functions required in everyday living.  The single disability rated as totally disabling must be the sole or partial cause of the need for A&A. |
| “Single disability” for SMC L  Slide 28  **M21.1-IV.ii.2.H.8.b.** Considering the Level of Disability Required for Entitlement to A&A | The following represent a “single disability” for purposes of establishing entitlement to SMC at the (l) rate:   * when evaluations of facets or multisystem effects of a single disease entity (including, but not limited to multiple sclerosis, Parkinson’s disease or diabetes mellitus) combine to 100 percent without regard to other conditions and A&A is required as a result of SC disability. Multisystem diseases are rated under a primary DC or by separate ratings of residuals under multiple DCs when more advantageous to the claimant, or * when evaluations of primary and secondary SC disabilities combine to 100 percent and A&A is required as a result of SC disability |
| Additional Considerations for  A&A and Housebound  Slide 29  **M21-1.IV.ii.2.H.8.d.** Considering Entitlement to A&A as an Inferred Issue | If a single disability is evaluated as 100-percent disabling, consider entitlement to A&A or the Housebound rate as an inferred issue only if the evidence shows that the benefit may be awarded.  Unless, explicitly claimed, if the evidence does not show entitlement to SMC at the A&A or Housebound rate, do not raise either issue merely to deny it. |
| Use of VA Form 21-2680  Slide 30  **M21-1.IV.ii.2.H.1.j.** Use of VA Form 21-2680 | Medical providers within or outside of VA may complete VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance, to provide evidence that a claimant is in need of aid and attendance (A&A) and/or housebound benefits.  ***Important***: Statements by medical providers or other clinical evidence contained in the VA Form 21-2680 ***may be accepted*** as a claim for increased evaluation for an existing SC disability ***if worsening*** of the disability is shown. |
| Exercise | Exercise is performed at the end of the lesson. |
| note(s) | N/A |
| DEMONSTRATION | **Instructor:** Direct trainees to the If/Then table at **M21-1.IV.ii.2.H.8.c.** Considering Entitlement to A&A When the Evaluation for a Single Disability Is Less Than 100 Percent  Demonstration of the SMC Calculator is performed at the end of the lesson.  Then complete the review exercise. |

**Review Exercise – Answer Key**

1. Veteran is totally deaf in one ear from S/C causes. Is there entitlement to SMC? If so, which one?

**No entitlement – K requires bilateral (vs. unilateral) deafness.**

2. Veteran lost the sight of one eye from S/C causes. Is there entitlement to SMC? If so, which one?

**Yes – one K.**

3. Veteran has a complete laryngectomy to treat service-connected laryngeal cancer. Is there entitlement to SMC? If so, which one and how many?

**Yes – one K.**

4. Is it possible for a veteran to be properly granted entitlement to three SMC “K” ’s?

**Yes**

5. Is it possible for a veteran to be properly granted entitlement to SMC “L” and SMC “K”?

**Yes**

6. “Permanently bedridden” is the same thing as A&A. True/False

**False – The former pays more than the latter during periods of government-subsidized hospitalization.**

7. Female veteran is diagnosed with breast cancer of both breasts in service, treated successfully with radiation only. Is there eligibility to SMC? If so, which one and how many?

**Yes – one K.**

8. A veteran with a temporary single 100% disability is found to be temporarily confined to his residence while recuperating from surgery. Is there eligibility to SMC? If so, which one?

**No – Housebound in fact must be a permanent finding before SMC can be established.**

9. A veteran has a 60% evaluation for a back condition and 10% for hypertension. He suffers a heart attack, warranting a temporary 100% evaluation for the heart. Is there eligibility to SMC? If so, which one?

**Yes – SMC S (statutory basis).**

10. A veteran has a single 100% disability of the respiratory system with no future examinations scheduled. Evidence is received showing that his condition, which involves outpatient O2 therapy, is so severe that he cannot independently bathe and dress himself. Is there eligibility to SMC? If so, which one?

**Yes – SMC L (for aid and attendance).**