Power Of Attorneys (POAs)/Service Organizations

Instructor Lesson Plan

Time Required: 1.75 Hours

**Table of Contents**

[Lesson Description 2](#_Toc502747919)

[Introduction to Power of Attorneys (POAs)/Service Organizations 4](#_Toc502747920)

[Topic 1: Types of Power of Attorneys (POAs) and Their Authority 6](#_Toc502747921)

[Topic 2: Processing VA Form 21-22 and VA Form 21-22a 7](#_Toc502747922)

[Topic 3: Exclusive Contact & Revoking and Terminating Representation 8](#_Toc502747923)

[Topic 4: When Paper Copies of Notification Letters MUST be Mailed to the POA 9](#_Toc502747924)

[Practical Exercise 10](#_Toc502747925)

[Lesson Review, Assessment, and Wrap-up 10](#_Toc502747926)

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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 # | 61439 |
| Prerequisites | There are no prerequisites for this lesson. |
| target audience | The target audience for this lesson are Claims Assistants (CA) assigned to the Intake Processing Center (IPC). Although this lesson is targeted to teach those assigned to the IPC, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.75 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Power of Attorneys (POAs)/Service Organizations PowerPoint Presentation * Power of Attorneys (POAs)/Service Organizations Trainee Handout * Copies of VA Form 21-22 and VA Form 21-22a |
| 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 |

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| 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 Power of Attorneys (POAs)/Service Organizations | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to provide an overview of the VA POA program. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * The Types of Power of Attorneys (POAs) and Their Authority * VA Form 21-22 or VA Form 21-22a Processing * Exclusive Contact/Revocation or Termination of a Power of Attorney * When paper copies of written notification need to be sent to POAs |
| Lesson Objectives  Discuss the following:  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to complete an assessment that covers the following lesson objectives:  TheCA will be able to:   * Identify types of POAs that may be appointed by claimants for VA purposes and their authority * Describe the requirements when processing VA Form 21-22 and VA Form 21-22a * Discuss the requirements for exclusive contact, revocation, or termination of a POA * Determine when paper copies of notification letters must be mailed to the POA | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | This training will provide the knowledge to understand the POA Program in the Veterans Benefits Administration. This training will cover the authority and limits of the POA, and how this affects CAs assisting claimants, while safeguarding Veterans right to privacy. | |

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| STAR Error code(s) | The Systematic Technical Accuracy Review (STAR) Program reviews cases and considers them either “accurate” or “in error” for the purpose of measuring technical accuracy. The following are types of errors called during this past year.   * K2: Was the notification correct * K4: Was Power of Attorney indicated, correct, and notification properly documented |
| References  Slide 3 - 4  Handout 2 | Explain where these references are located.   * [38 U.S.C. 7332, Confidentiality of Certain Medical Records](https://www.law.cornell.edu/uscode/text/38/7332) * [38 CFR 14.628, Recognition of Organizations](http://www.ecfr.gov/cgi-bin/text-idx?SID=204797488e6ebe2c75e729e0243708b3&mc=true&node=se38.1.14_1628&rgn=div8) * [38 CFR 14.630, Authorization for a particular claim](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=204797488e6ebe2c75e729e0243708b3&mc=true&n=pt38.1.14&r=PART&ty=HTML#se38.1.14_1630) * [38 CFR 14.631, Powers of Attorney; Disclosure of Claimant Information](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=204797488e6ebe2c75e729e0243708b3&mc=true&n=pt38.1.14&r=PART&ty=HTML#se38.1.14_1631) * [38 CFR 14.633, Termination of accreditation or authority to provide representation under §14.630](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=204797488e6ebe2c75e729e0243708b3&mc=true&n=pt38.1.14&r=PART&ty=HTML#se38.1.14_1633) * [38 CFR 20.204, Rule 204. Withdrawal of Appeal](http://www.ecfr.gov/cgi-bin/text-idx?SID=204797488e6ebe2c75e729e0243708b3&mc=true&node=se38.2.20_1204&rgn=div8) * [M21-1, Part I, Chapter 3, Section A, General Information on Power of Attorney](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014076/M21-1-Part-I-Chapter-3-Section-A-General-Information-on-Power-of-Attorney-POA) * [M21-1, Part I, Chapter 3, Section B, Power of Attorney (POA) Rights to Notification and Review of Records](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014077/M21-1-Part-I-Chapter-3-Section-B-A-Representatives-Right-to-Notification-and-Review-of-Records?query=Power%20of%20Attorney%20(POA)%20Rights%20to%20Notification%20and%20Review%20of%20Records) * [M21-1, Part III, Subpart i, Chapter 4, Section B, The Stakeholder Enterprise Portal (SEP) Role in the Veterans Online Application (VONAPP) Direct Connect (VDC) Process](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000031400/M21-1-Part-III-Subpart-i-Chapter-4-Section-B-The-Stakeholder-Enterprise-Portal-SEP-Role-in-the-Veterans-Online-Application-VONAPP-Direct-Connect-VDC-Process#1) * [M21-1, Part III, Subpart i, Chapter 4, Section B, Overview of Original Claims Submission Through SEP](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000031400/M21-1-Part-III-Subpart-i-Chapter-4-Section-B-The-Stakeholder-Enterprise-Portal-SEP-Role-in-the-Veterans-Online-Application-VONAPP-Direct-Connect-VDC-Process%20-%201%20-%202) * [M21-1, Part III, Subpart ii, Chapter 1, Section A, Process Overview](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014108/M21-1-Part-III-Subpart-ii-Chapter-1-Section-A-Process-Overview) * [M21-1, Part III, Subpart ii, Chapter 3, Section C, System Updates](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014125/M21-1-Part-III-Subpart-ii-Chapter-3-Section-C-System-Updates?query=updating%20POA) * [M21-1, Part III, Subpart ii, Chapter 1, Section C, Handling Outdated Forms](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014112/M21-1-Part-III-Subpart-ii-Chapter-1-Section-C-Initial-Screening-Policies) |

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| Topic 1: Types of Power of Attorneys (POAs) and Their Authority | |
| Introduction | This topic will allow the trainee to identify the different types of POAs and their authority and limitations in terms of representing claimants. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  Using the trainee handout packet and Power Point presentation, identify the types of POAs that may be appointed by claimants for VA purposes and their authority.  The following topic teaching points support the topic objectives:   * Types of POAs * Requirements to represent claimants as POA * POA Authority and Limitations |
| Types of POAs  Slide 5 Handout 2 | Identify the 3 types of POAs recognized by VA   * VSOs * Agents and Attorneys * Non-licensed individuals |
| POA Authority and Limitations  Slide 7-9 Handout 3 | Explain a few items a representative is authorized to complete and some limitations as shown in handout and slideshow.  POA may:   * review the claimant’s records * present evidence on behalf of the claimant * submit an intent to file, non-original claim, a notice of disagreement (NOD), or a substantive appeal on behalf of the claimant, and * withdraw an appeal   POA may **not**: Sign an original, formal claim for benefits\*   * Sign any forms requested in a development letter * Sign a claim or other form which does require claimant certification * Sign a VA Form 20-572, Request for Change of Address/Cancellation of Direct Deposit, VA Form 24-0296, Direct Deposit Enrollment   \****Exception***: *Claims may be submitted by powers of attorney (POAs) through the Stakeholder Enterprise Portal (SEP). Original claims submitted through SEP involve additional signature requirements to be substantially complete.* **III.ii.1.A** (For additional information, see **III.i.4.B**) |
| Exercise | Run a few (3-4) scenarios by the audience to determine if they can properly identify authorities and limitations of POAs.  Have the students take 2 minutes to review and answer the 4 items in Attachment E to the handout. Review the correct answers as a group. |
| note(s) | Briefly discuss how a claimant may enter into a fee agreement with an attorney or agent and identify your local attorney fee coordinator. |

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| Topic 2: Processing VA Form 21-22 and VA Form 21-22a | |
| Introduction | This topic will allow the trainee to identify the two forms used to establish a POA on a claimant’s record and how to update a claimant’s record to properly reflect POA, eFolder access, and authorization to change address. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  Describe the requirements when processing VA Form 21-22 and VA Form 21-22a.  The following topic teaching points support the topic objectives:   * Forms to Establish POAs * Restricted Information * How to Process VA Form 21-22 and VA Form 21-22a |
| Forms to Establish POAs  Slide 10  Handout 4 | Direct students’ attention to pages 19-22 of the handout and go over the items which need to be filled out for the form to be considered complete. |
| Restricted Information *Handout 5* | Bring attention to: VA Form 21-22: Blocks 12-14 & VA Form 21-22a: Blocks 9-11. Explain how restrictions to information on these forms also require special handling in VBMS and SHARE. |
| How to Process VA Form 21-22 and VA Form 21-22a  Slide 11 Handout 6-15 | Discuss limited vs unlimited POAs, identify the “current” acceptable forms to assign a POA, and demonstrate the proper way to update a claimant’s POA IN SHARE and VBMS.  Acceptable versions of VA Form 21-22 include boxes to limit access to sensitive records under 38 United States Code 7332 and a box to authorize the POA to change the claimant’s address.  ***Important:*** If a claimant submits an outdated version of VA Form 21-22 or VA Form 21-22a that is no longer accepted per **M21-1 Part III, Subpart ii.1.C**, send a development letter requesting completion of the current version of the VA Form 21-22 or VA Form 21-22a. With the letter:   * + provide the current version of the form for completion, and   + return the outdated form. |
| DEMONSTRATION | Demonstrate how to update the POA in VBMS and in SHARE. |
| Topic 3: Exclusive Contact & Revoking and Terminating Representation | |
| Introduction | This topic will allow the trainee to respond to requests for “exclusive contact” as well as how representation can be revoked or terminated. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  Discuss the requirements for responding to exclusive contact requests, and how a Veteran or POA can revoke or terminate representation.  The following topic teaching points support the topic objectives:   * What is exclusive contact and how to respond to requests for exclusive contact * How can a claimant revoke or terminate a POA relationship? * How can a representative revoke or terminate a relationship with a claimant? |
| Exclusive Contact *Slide 11  Handout 16* | Discuss what exclusive contact refers to and direct the trainee to M21-1 Part I, 3.A so they have the verbiage to copy into letters to POAs who have requested exclusive contact. |
| Revoking and Terminating Representation  Slide 14-15 Handout 17-18 | Explain the ways a claimant can terminate her/his relationship with a POA and how a POA can terminate his/her relationship with a claimant. Identify the notification requirement when a POA is revoked or terminated. |
| note(s) | Be sure to point out the when BVA has jurisdiction of a claims folder – the POA must obtain BVA permission to terminate representation. |
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| Topic 4: When Paper Copies of Notification Letters MUST be Mailed to the POA | |
| Introduction | This topic will allow the trainee to determine when paper copies of notification letters must be mailed to the POA. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | **Topic objective**: Identify when paper notifications of correspondence must be mailed to the POA. This issue is often overlooked at authorization and the importance of this should be stressed. |
| When to mail correspondence to a POA  Slide 15-18  Handout 16-17 | Discuss eFolder access to identify (local) POAs who do not have access to view electronic records. Also discuss how restrictions to access to restricted records under 38 USC 7332 also restrict access to eFolders.  Identify what correspondence must be sent to a POA and how they must not send restricted information under 38 USC 7332.  ***Important:*** When RO personnel generate correspondence associated with a claimant represented by a private attorney or claims agent, they must include the address of the private attorney or claims agent in the carbon copy (cc) line of the correspondence.  • Including the full address in the cc line will allow mail processors to quickly and accurately address outgoing private attorney or claims agent copies of correspondence.  • Letters created in VBMS do not allow for changes to the cc: line; these letters will be generated in PCGL.  Discuss “Best Practice” issues from student handout. Pulse-check your audience by asking for additional practices to avoid missed correspondence. Let your audience know that failure to send correspondence will result in a K error from STAR. |
| Exercise | Provide a few (3-4) verbal examples when a POA may or may not require paper copies of correspondence to do a knowledge check. |
| Regional Office Specific Topics | At this time add any information pertaining to:   * Station quality issues with this lesson * Additional State specific programs/guidance on this lesson |

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| Practical Exercise | | |
| Time Required | | 0.25 hours |
| EXERCISE | | Have the students –answer the questions located at the end of the student handout.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. Refer to the answer key to assist with answering questions. |
| Lesson Review, Assessment, and Wrap-up | | |
| Introduction  Discuss the following: | The Power of Attorneys (POAs)/Service Organizations is complete.  Review each lesson objective and ask the trainees for any questions or comments. | |
| Time Required | 0.25 hours | |
| Lesson Objectives | You have completed the Power of Attorneys (POAs)/Service Organizations lesson.  The trainee should be able to:   * Identify types of POAs that may be appointed by claimants for VA purposes and their authority * Describe the requirements when processing VA Form 21-22 and VA Form 21-22a * Discuss the requirements for exclusive contact, revocation, or termination of a POA * Determine when paper copies of notification letters must be mailed to the POA | |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course. The assessment will allow participants to demonstrate understanding of information presented. | |