

SPECIAL MONTHLY PENSION LESSON PLAN

PREREQUISITE TRAINING	Prior to this training the trainees must have completed claims processing prerequisite training, and the <i>Introduction to Disability Pension, Establishing Veteran Status, Duty to Assist, Introduction to Ratings, and PCGL</i> lessons.
PURPOSE OF LESSON	The purpose of this lesson is to provide an overview of special monthly pension (SMP) requirements.
OBJECTIVES	<p>Provided with the appropriate manual and regulatory references, handouts, access to real cases, MAP-D, and SHARE, the student will be able to:</p> <ul style="list-style-type: none">○ Accurately identify the two types of special monthly pension○ Determine requirements to establish aid and attendance or housebound benefits○ Identify criteria to grant aid and attendance administratively
TIME REQUIRED	1.5 hours
INSTRUCTIONAL METHOD	Lecture and Participatory discussion
MATERIALS/ TRAINING AIDS	<p>Classroom or private area where a discussion may be held. Chairs and writing surfaces are required.</p> <p>Large writing surface such as easel pad, chalkboard, dry erase board, overhead projector, etc., with appropriate markers, or computer with projection equipment and PowerPoint software.</p> <ul style="list-style-type: none">○ SMP PowerPoint presentation○ SMP Trainees Handouts○ Copies of VA Form 21-0779 and Eligibility Verification Report (EVR).

**INSTRUCTOR
PREPARATION**

Instructors should either have trainees print (from the website) and bring the SMP Trainee Handouts to class or have enough Trainee Handouts available for the trainees. Instructors should be familiar with applicable references.

Critical: Be sure to allow the trainees to complete the review exercise at the end of this training session.

INTRODUCTION

Introduce yourself and inform the trainees of the purpose of the lesson, which is to introduce them to the two types of special monthly pension, the two methods of assigning special monthly pension and the criteria to grant aid and attendance administratively.

MOTIVATION

Inform the trainees special monthly pension is paid when a claimant demonstrates a severe physical and/or mental disability that reduces a claimant's independence. Remind trainees that having the knowledge to grant special monthly pension administratively can expedite payment of additional benefits.

REFERENCES

- 38 CFR 3.1(z)
- 38 CFR 3.351
- M21-1MR, V.iii.2.A.1.b.
- M21-1MR, V.iii.2.A.2.b.
- M21-1MR, V.iii.2.B.

TWO TYPES OF SPECIAL MONTHLY PENSION

OBJECTIVES The trainees will accurately identify the two types of special monthly pension.

TIME REQUIRED 0.25 hours

TEACHING POINTS Describe the two different special monthly benefit programs.

M21-1MR, V.III.2.A.1.b. Aid and attendance is based on the claimant being:

- so helpless as to require the aid of another person to perform the personal functions required in everyday living, or
- blind or meet other specific visual acuity requirements, or
- a patient in a nursing home because of physical and/or mental incapacity (38 CFR 3.351(c))

M21-1MR, V.III.2.A.2.b Housebound status is based on:

- having a single permanent disability rated 100 percent under a schedular evaluation and have additional (or other) disability(ies) separately rated at 60 percent or more (*Veterans only*), or
- being permanently housebound by reason of their disabilities per 38 CFR 3.351(d), or
- qualifying under *Hartness v Nicholson* (2006) when pension was granted based on the veteran being age 65 or older

Explain to the trainees that the housebound benefit is the lesser of the two benefits, and that if we can grant aid and attendance to the claimant, we should award it instead of the housebound rate because it is the greater benefit.

Class participation Have trainees work in groups to create their own definition of special monthly pension, and discuss.

REVIEW: The instructor should be prepared to provide examples of real life scenarios. Provide a scenario and ask the trainees to indicate if they believe the claimant would be entitled to aid and attendance or housebound benefits.

ESTABLISHING AID AND ATTENDANCE OR HOUSEBOUND

OBJECTIVE The trainees will determine the requirements to establish aid and attendance or housebound status.

TIME REQUIRED 0.25 hours

TEACHING POINTS Explain to the trainees that VA can grant special monthly pension by rating, or administratively.

Remind trainees income and net worth information must be current and meet current guidelines.

Housebound benefits can only be granted by a rating.

- In order to do a rating decision the VA requires medical evidence showing the claimant's condition(s) are severe enough to render them housebound.
- If the claimant submitted medical evidence dated within the last year, or lists treatment at a VAMC, the trainees should refer the case to a RVSR.

Aid and attendance benefits may be granted by a rating or administratively. *Administrative grants will be discussed separately.*

- In order to do a rating decision, the VA requires medical evidence showing the claimant's condition(s) are severe enough to require assistance with the activities of daily living.
- If the claimant submitted medical evidence dated within the last year, or lists treatment at a VAMC, the trainees should refer the case to a RVSR.

Demonstrate or list the selections available for development of SMP in Map-D.

Explain that if evidence is not submitted to grant the benefit, we will need to extend our duty to assist. Explain, development for this information should be done in Map-D. Tell them what selections are available in Map-D for SMP development. Also, remind the trainees that development for other information, such as income information, etc, should also be done when we development for SMP to avoid piecemeal development.

Remind students to refer to their Introduction to Ratings (PMC) lesson regarding how to interpret and process a rating granting SMP.

REVIEW:

Review for comprehension by asking trainees what they should do with medical evidence.

CRITERIA TO ADMINISTRATIVELY GRANT AID AND ATTENDANCE

OBJECTIVE

The trainees will identify the criteria to grant aid and attendance administratively.

TIME REQUIRED

0.5 hours

Administrative grant of A/A

Go over the following process to grant A/A administratively.

Explain that administrative grants are only done if the claimant is in a nursing home.

- Notification for SMP is received by first party or third party.
 - First party: The claimant submits information indicating they are in a nursing facility.
 - Third party : VA receives notification from one of the following of potential nursing home patient status:
 - A nursing home
 - VA medical facility
 - State veterans' home
 - Relative or friend

Informal claim

*Nursing Home
Qualifications
38 CFR 3.1(z)*

- Discuss the definition of the following types of nursing facilities:
 - Extended care facility that is licensed by a State to provide skilled or intermediate-level nursing care, or
 - Nursing home care unit in a State veterans' home, or
 - VA Nursing Home Care Unit or contract nursing home

Explain what a contract nursing home is. It is a non-VA nursing home under contract with the VA to provide nursing home care at VA expense.

Let the trainees know that they can determine if a nursing home is state licensed by accessing:

<http://www.medicare.gov/NHCompare/Home.asp?>

M21-IMR, V.iii.2.B.5.a

- To authorize aid and attendance based on nursing home status:
 1. A responsible official of the facility must state the claimant is a patient, as opposed to a resident.
 2. VA must verify the level of care the claimant is receiving (skilled or intermediate care).
 3. VA must determine whether or not the claimant is a Medicaid patient in the nursing facility. (If so, the date Medicaid coverage started is needed.)

Let the trainees know that we need to know Medicaid information, because it will affect their entitlement amounts.

*VA Form 21-0779 and
EVRs.*

Go over VA Form 21-0779 "Request for Nursing Home Information in Connection with a Claim for Aid and Attendance" and an EVR with the class.

Ask the students where on an EVR might we see a claim for aid and attendance indicated? (Item #4)

Indicate that a claim for aid and attendance might also be received on a VA Form 21-0779. If all the information on the form is filled out correctly, we have the medical expenses regarding the nursing home, and the nursing home is licensed by the state, we can grant aid and attendance administratively because the form contains all the required information.

*Map-D selection:
“Nursing home patient-
need statement fm
official”*

Tell the trainees that if a claimant indicates they are in a nursing home on their claim for SMP, but we do not have enough information to confirm this, we can send the claimant or facility VA Form 21-0779. If we know the facility, we should first try and contact the facility by phone to obtain this information.

The instructor should explain how the VSR can obtain the information with a VA Form 119 - Report of Contact.

Advise trainees once all (income, net worth, service, etc) requirements are met, the VSR will grant aid and attendance administratively, without a rating.

*Award and notification
requirements*

Instruct students to annotate their awards the aid and attendance was granted administratively based on nursing home status per 38 CFR 3.351(c).

Inform the students of the elements required in their notification letter to the claimant when they grant aid and attendance administratively. These include:

- The decision(s) made
- Any applicable effective dates
- What evidence we considered
- The reason(s) for the decision(s)
- The right to appeal

Tell the students that they should refer to their PCGL lesson for more detailed information regarding notification letters.

Check comprehension of subject matter by asking review questions.

REVIEW EXERCISE

REVIEW:

Require all trainees to complete the TPSS module for SMP. Once completed, have the trainees complete the review exercise. Then as a class, review their answers, and discuss the TPSS module information.