

Chapter Twelve – Appendix A

VA – 38 U.S.C. §1722

U.S.C.

United States Code, 2010 Edition

Title 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 17 - HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER III - MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

Sec. 1722 - Determination of inability to defray necessary expenses; income thresholds

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§1722. Determination of inability to defray necessary expenses; income thresholds

(a) For the purposes of section 1710(a)(2)(G) of this title, a veteran shall be considered to be unable to defray the expenses of necessary care if—

(1) the veteran is eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) the veteran is in receipt of pension under section 1521 of this title; or

(3) the veteran's attributable income is not greater than the amount set forth in subsection (b).

(b)(1) For purposes of subsection (a)(3), the income threshold for the calendar year beginning on January 1, 1990, is—

(A) \$17,240 in the case of a veteran with no dependents; and

(B) \$20,688 in the case of a veteran with one dependent, plus \$1,150 for each additional dependent.

(2) For a calendar year beginning after December 31, 1990, the amounts in effect for purposes of this subsection shall be the amounts in effect for the preceding calendar year as adjusted under subsection (c) of this section.

(c) Effective on January 1 of each year, the amounts in effect under subsection (b) of this section shall be increased by the percentage by which the maximum rates of pension were increased under section 5312(a) of this title during the preceding calendar year.

(d)(1) Notwithstanding the attributable income of a veteran, the Secretary may refuse to make a determination described in paragraph (2) of this subsection if the corpus of the estate of the veteran is such that under all the circumstances it is reasonable that some part of the corpus of the estate of the veteran be consumed for the veteran's maintenance.

(2) A determination described in this paragraph is a determination that for purposes of subsection (a)(3) of this section a veteran's attributable income is not greater than the amount determined under subsection (b) of this section.

(3) For the purposes of paragraph (1) of this subsection, the corpus of the estate of a veteran shall be determined in the same manner as the manner in which determinations are made of the corpus of the estates of persons under section 1522 of this title.

(e)(1) In order to avoid a hardship to a veteran described in paragraph (2) of this subsection, the Secretary may deem the veteran to have an attributable income during the previous year not greater than the amount determined under subsection (b) of this section.

(2) A veteran is described in this paragraph for the purposes of subsection (a) of this section if—

(A) the veteran has an attributable income greater than the amount determined under subsection (b) of this section; and

(B) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below the amount determined under subsection (b).

(f) For purposes of this section:

(1) The term "attributable income" means the income of a veteran for the previous year determined in the same manner as the manner in which a determination is made of the total amount of income by which the rate of pension for such veteran under section 1521 of this title would be reduced if such veteran were eligible for pension under that section.

(2) The term "corpus of the estate of the veteran" includes the corpus of the estates of the veteran's spouse and dependent children, if any.

(3) The term “previous year” means the calendar year preceding the year in which the veteran applies for care or services under section 1710(a) of this title.

(g) For the purposes of section 1724(c) of this title, the fact that a veteran is—

(1) eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) a veteran with a service-connected disability; or

(3) in receipt of pension under any law administered by the Secretary,

shall be accepted as sufficient evidence of such veteran's inability to defray necessary expenses.

Chapter Twelve – Appendix B

VA – 38 U.S.C. §1722 Means Test Threshold

Department of Veterans Affairs
Veterans Health Administration
Washington, DC 20420

VHA DIRECTIVE 2011-042

December 20, 2011

MEANS TEST AND GEOGRAPHIC-BASED MEANS TEST THRESHOLDS FOR CALENDAR YEAR 2012

1. PURPOSE: This Veterans Health Administration (VHA) Directive provides the Means Test (MT) Thresholds, the Medicare Deductible and Child Income Exclusion amounts, the Income and/or Asset Threshold for Net Worth Development, the Maximum Annual Rates of Pension, and the method for computing Geographic-based Means Test (GMT) income thresholds for calendar year 2012. In addition, this Directive provides an Internet link to the United States (U.S.) Housing and Urban Development's (HUD) income limits for Fiscal Year (FY) 2011 for use by VHA in calendar year 2012. *NOTE: These amounts, rates, and the method become effective January 1, 2012.* This Internet link is at: <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>.

2. BACKGROUND

a. Title 38 United States Code (U.S.C.) 1722(c) requires that on January 1 of each year, the Secretary of Veterans Affairs increase the means test threshold amounts by the same percentage as the maximum annual rates of pension were increased under 38 U.S.C. 5312(a) during the preceding calendar year. Under the provisions of 38 U.S.C. 5312, the Department of Veterans Affairs (VA) is required to increase the benefit rates and income limitations in the pension and parents' Dependency and Indemnity Compensation (DIC) Program by the same percentage and effective date as increases in the benefit amounts payable under title II of the Social Security Act.

b. Since the Veterans Benefits Administration (VBA) has announced that there will be a 3.6 percent increase in VA pension for 2012, there will be an increase in the VA Means Test thresholds for Calendar Year 2012.

c. Public Law 107-135, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001, directed VA to implement a GMT (see 38 U.S.C. 1705(a)(7)). VA uses HUD's "low-income" geographic-based income limits as the thresholds for VA's GMT. *NOTE: The Health Eligibility Center (HEC) controls the GMT for VA and ensures updates are installed before January 1, 2012. The "low income" geographic-based income thresholds used for Calendar Year 2011 (listed as 2011 VA National Geographic Threshold Table) are located at:* <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>.

d. On May 15, 2009, VA published a rule in the Federal Register (FR), which established additional sub-priorities within enrollment priority category 8. This rule became effective on June 15, 2009, and required VA to begin enrolling Veterans into priority category 8 whose income exceeded VA's national or geographically-based income thresholds by 10 percent or less.

THIS VHA DIRECTIVE EXPIRES DECEMBER 31, 2016

VHA DIRECTIVE 2011-042 December 20, 2011 2 e. Definitions

(1) **Below Means Test (MT) Threshold.** Veterans whose household income amount is at or less than the applicable amount shown in subparagraph 4b, are generally eligible for enrollment in Priority Group 5.

(2) **Above Means Test Threshold.** Veterans whose household income amount is at, or above, the applicable amount shown in subparagraph 4b, are not eligible for enrollment in Priority Group 5.

(3) **GMT Income Threshold.** "GMT income threshold" refers to the household income amount that is below the geographically-based income threshold for the Veteran's resident location. Veterans with a household income of this amount or less are generally eligible for enrollment in Priority Group 7.

(4) **Income Above Means Test or GMT Threshold By 10 Percent or Less.** Veterans with household income above the Below Means Test Threshold or the GMT income threshold for their resident location by 10 percent or less are eligible for enrollment in priority group 8. *NOTE: The GMT thresholds can be located at:*

<http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>.

3. POLICY: It is VHA policy that all VA health care facilities must install patches DG*5.3*848, EAS*1.0*104 and IB*2.0*465 before January 1, 2012, in order to implement the current MT thresholds.

4. ACTION

a. **Medical Facility Director.** Before January 1, 2012, each medical facility Director, or designee, is responsible for installing patches DG*5.3*848, EAS*1.0*104 and IB*2.0*465.

b. **VA Means Test Thresholds.** The following VA MT Thresholds are effective January 1, 2012 through December 31, 2012:

(1) Veterans with No Dependents

(a) Below MT Threshold: \$30,460.

(b) Above MT Threshold; \$30,461.

(c) Above MT Threshold by 10 Percent or Less: \$33,507.

(d) Above MT Threshold by more than 10 Percent: \$33,508.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds>)

(2) Veterans with One Dependent

(a) Below MT Threshold: \$36,554.

(b) Above MT Threshold: \$36,555.

(c) Above MT Threshold by 10 Percent or Less: \$40,210.

(d) Above MT Threshold by more than 10 Percent: \$40,211.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>).

(3) Veterans with Two Dependents

(a) Below MT Threshold: \$38,647.

(b) Above MT Threshold: \$38,648.

(c) Above MT Threshold by 10 Percent or Less: \$42,512.

(d) Above MT Threshold by more than 10 Percent: \$42,513.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>).

(4) Veterans with Three Dependents

(a) Below MT Threshold: \$40,740.

(b) Above MT Threshold: \$40,741.

(c) Above MT Threshold by 10 Percent or Less: \$44,814.

(d) Above MT Threshold by more than 10 Percent: \$44,815.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>).

(5) Veterans with Four Dependents

(a) Below MT Threshold: \$42,833.

(b) Above MT Threshold: \$42,834.

(c) Above MT Threshold by 10 Percent or Less: \$47,117.

(d) Above MT Threshold by more than 10 Percent: \$47,118.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>).

(6) Veterans with Five Dependents

(a) Below MT Threshold: \$44,926.

(b) Above MT Threshold: \$44,927.

(c) Above MT Threshold by 10 Percent or Less: \$49,419.

(d) Above MT Threshold by more than 10 Percent: \$49,420.

(e) Above GMT Threshold by more or less than 10 Percent: Calculate using GMT Threshold at GMT Web site (see <http://www4.va.gov/healtheligibility/Library/AnnualThresholds.asp>).

c. **Dependent Threshold Amount Increase (above two dependents).** \$2,093.

d. **Child Income Exclusion.** \$9,750.

e. **Medicare Deductible.** \$1,156. This is used to compute the hospital care co-payment.

f. **Income and/or Asset Threshold for Net Worth Development.** \$80,000. *NOTE: Net Worth is only used for determining whether a Veteran is eligible for enrollment in Priority Group 5 and does not apply to determining enrollment in priority group 7.*

g. Maximum Annual Rate of Pension

(1) The maximum annual rate of pension for a Veteran with no dependents is \$12,256. *NOTE: The maximum annual rate of pension for a Veteran with no dependents is used to determine if certain Veterans are subject to co-payments for Extended Care Services.*

(2) The maximum annual rate of pension for a Veteran with one dependent is \$16,051.

(3) Add \$2,093 for each additional dependent.

h. Maximum Annual Rate of Pension: Pension Plus Aid and Attendance (A&A) Rate. The maximum annual rate of pension for a Veteran with no dependents plus additional allowances for Veterans

with eligible dependents and who receive A&A is used to determine if certain Veterans are exempt from co-payments for outpatient medication and to establish eligibility for beneficiary travel.

- (1) The maximum annual rate of pension for a Veteran in receipt of A&A, with no dependents, is \$20,447.
- (2) The maximum annual rate of pension for a Veteran in receipt of A&A with one dependent is \$24,239.
- (3) Add \$2,093 for each additional dependent.

i. **Maximum Annual Rate of Pension: Pension Plus Housebound Benefits (HB) Rate.** The maximum annual rate of pension for a Veteran with no dependents plus additional allowances for Veterans with eligible dependents and who receive HB is used to determine if certain Veterans are exempt from co-payments for outpatient medication and to establish eligibility for beneficiary travel.

- (1) The maximum annual rate of pension for a Veteran in receipt of HB with no dependents is \$14,978.
- (2) The maximum annual rate of pension for a Veteran in receipt of HB with one dependent is \$18,773.
- (3) Add \$2,093 for each additional dependent.

5. REFERENCES

- a. Title 38 U.S.C. 1705(a) (7), 1710(f)(3), and 1722.
- b. Title 38 Code of Federal Regulations (CFR) 3.272(j)(1), 17.36(b)(7), 17.36(b)(8), 17.47(d), and 17.47(f), 17.108(b), 17.110(c)(3), 17.111(f)(2), 70.10(a)(5), . Expansion of Enrollment in the VA Health Care System, 74 FR 22832.

6. FOLLOW-UP RESPONSIBILITY: The Chief Business Office (10NB) is responsible for the contents of this Directive. Questions may be addressed to 202-461-1598.

7. RESCISSIONS: VHA Directive 2010-056 is rescinded. This VHA Directive expires December 31, 2016. Robert A. Petzel, M.D.
Under Secretary for Health

Chapter Twelve – Appendix C

Copay Rates

You are here: [Health Benefits Home](#) » [Determine Cost of Care](#) » [Copays](#)

Health Benefits

Copays

While many Veterans qualify for free healthcare services based on a VA compensable service-connected condition or other qualifying factor, most Veterans are asked to complete an annual financial assessment, to determine if they qualify for free services. Veterans whose income exceed the established VA Income Thresholds as well as those who choose not to complete the financial assessment must agree to pay required copays to become eligible for VA healthcare services.

Outpatient Copays

- Primary Care Services: \$15
- Specialty Care Services: \$50
- Prescriptions:
 - 30-day or less supply for certain Veterans: \$8
 - 30-day or less supply for higher income Veterans: \$9

[Read More](#)

Inpatient Copays

There are two inpatient copay rates, the full rate and the reduced rate. The reduced inpatient copay rate, which is 80% of the full inpatient rate, applies to Veterans meeting specific income requirements.

- Inpatient Copay for the first 90 days of care during a 365-day period.....\$1,156
- Inpatient Copay for each additional 90 days of care during a 365-day period.....\$578
- Daily Charge.....\$10/day

Veterans living in high cost areas may qualify for a reduced inpatient copay rate. For more information contact VA toll-free at 877-222-VETS (8387).



Geriatrics and Extended Care

Long term care copays are based on three levels of care:

- Inpatient: Up to \$97 per day (Community Living (Nursing home), Respite, Geriatric Evaluation)
- Outpatient: \$15 per day (Adult Day Health Care, Respite, Geriatric Evaluation)
- Domiciliary: \$5 per day

Actual copay charges will vary based on Veteran current financial assessment.

[Read More](#)

Veterans Not Required To Make Copays

Some Veterans qualify for free healthcare and/or prescriptions based on special eligibility factors including but not limited to:

- Former Prisoner of War status
- In receipt of Medal of Honor (may take copay test to determine prescription copay status)
- 50% or more compensable VA service-connected disabilities (0-40% compensable service-connected may take copay test to determine prescription copay status)
- Veterans deemed catastrophically disabled by a VA provider

Services Exempt from Inpatient and Outpatient Copays

- Special registry examinations offered by VA to evaluate possible health risks associated with military service
- Counseling and care for military sexual trauma
- Compensation and Pension examinations.
- Care that is part of a VA research project
- Care related to a VA-rated service-connected disability
- Readjustment counseling and related mental health services
- Care for cancer of head or neck caused by nose or throat radium treatments received while in the military
- Individual or Group Smoking Cessation or Weight Reduction services
- Publicly announced VA public health initiatives, for example, health fairs
- Care potentially related to combat service for Veterans that served in a theater of combat operations after November 11, 1998.
- Laboratory and electrocardiograms
- Hospice care

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Chapter Twelve – Appendix D

Compensation Rate Table

Veterans Compensation Benefits Rate Tables - Effective 12/1/11

Basic Rates - 10%-100% Combined Degree Only

Rates (No Dependents): 10% - 20%

Without Children

[30% - 60%](#)

[70% - 100%](#)

With Children

[30% - 60%](#)

[70% - 100%](#)

To find out how to use these rate tables [CLICK HERE](#)

10% - 20% (No Dependents)

Percentage	Rate
10%	\$127
20%	\$251

30% - 60% Without Children

Dependent Status	30%	40%	50%	60%
Veteran Alone	\$389	\$560	\$797	\$1009
Veteran with Spouse Only	\$435	\$622	\$874	\$1102
Veteran with Spouse & One Parent	\$472	\$671	\$936	\$1176
Veteran with Spouse and Two Parents	\$509	\$720	\$998	\$1250
Veteran with One Parent	\$426	\$609	\$859	\$1083
Veteran with Two Parents	\$463	\$658	\$921	\$1157
Additional for A/A spouse (see footnote b)	\$42	\$56	\$71	\$84

70% - 100% Without Children

Dependent Status	70%	80%	90%	100%
Veteran Alone	\$1,272	\$1,478	\$1,661	\$2,769
Veteran with Spouse Only	\$1,380	\$1,602	\$1,800	\$2,924
Veteran with Spouse & One Parent	\$1,466	\$1,701	\$1,911	\$3,048
Veteran with Spouse and Two Parents	\$1,552	\$1,800	\$2,022	\$3,172
Veteran with One Parent	\$1,358	\$1,577	\$1,772	\$2,893
Veteran with Two Parents	\$1,444	\$1,676	\$1,883	\$3,017
Additional for A/A spouse (see footnote b)	\$99	\$112	\$127	\$141

30% - 60% With Children

Dependent Status	30%	40%	50%	60%
Veteran with Spouse & Child	\$469	\$667	\$931	\$1169
Veteran with Child Only	\$420	\$601	\$849	\$1071
Veteran with Spouse, One Parent and Child	\$506	\$716	\$993	\$1243
Veteran with Spouse, Two Parents and Child	\$543	\$765	\$1055	\$1,317
Veteran with One Parent and Child	\$457	\$650	\$911	\$1145
Veteran with Two Parents and Child	\$494	\$699	\$973	\$1219

Add for Each Additional Child Under Age 18	\$23	\$30	\$38	\$46
Each Additional Schoolchild Over Age 18 (see footnote a)	\$74	\$99	\$124	\$148
Additional for A/A spouse (see footnote b)	\$42	\$56	\$71	\$84

70% - 100% With Children

Dependent Status	70%	80%	90%	100%
Veteran with Spouse & Child	\$1,459	\$1,692	\$1,902	\$3,037
Veteran with Child Only	\$1,344	\$1,561	\$1,754	\$2,873
Veteran with Spouse, One Parent and Child	\$1,545	\$1,791	\$2,013	\$3,161
Veteran with Spouse, Two Parents and Child	\$1,631	\$1,890	\$2,124	\$3,285
Veteran with One Parent and Child	\$1,430	\$1,660	\$1,865	\$2,997
Veteran with Two Parents and Child	\$1,516	\$1,759	\$1,976	\$3,121
Add for Each Additional Child Under Age 18	\$53	\$61	\$69	\$77
Each Additional Schoolchild Over Age 18 (see footnote a)	\$173	\$198	\$223	\$248
Additional for A/A spouse (see footnote b)	\$99	\$112	\$127	\$141

FOOTNOTES:

- a. Rates for each school child are shown separately. They are not included with any other compensation rates. All other entries on this chart reflecting a rate for children show the rate payable for children under 18 or helpless. To find the amount payable to a 70% disabled veteran with a spouse and four children, one of whom is over 18 and attending school, take the 70% rate for a veteran with a spouse and 3 children, \$ 1,565, and add the rate for one school child, \$173. The total amount payable is \$1,738.
- b. Where the veteran has a spouse who is determined to require A/A, add the figure shown as "additional for A/A spouse" to the amount shown for the proper dependency code. For example, veteran has A/A spouse and 2 minor children and is 70% disabled. Add \$99, additional for A/A spouse, to the rate for a 70% veteran with dependency code 12, \$1,512. The total amount payable is \$ 1,611.

To find out how to use these rate tables [CLICK HERE](#).

For prior rate tables on this topic choose one: [12-1-2009](#) [12-1-2008](#) [12-1-2007](#) [12-1-2006](#) [12-1-2005](#) [12-1-2004](#) [12-1-2003](#) [12-1-2002](#) [12-1-2001](#) [12-1-2000](#) [12-1-1999](#).

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For additional historic rate charts on this topic [CLICK HERE](#).

Chapter Twelve – Appendix E
Improved Pension Benefit Rate Table

Improved Disability Benefits Pension Rate Table - Effective 12/1/11

Veteran Alone & With Dependents

Date of Cost-of-Living Increase: 12-01-2011

Increase Factor: 3.6 %

Standard Medicare Deduction: \$99.90

Maximum Annual Pension Rate (MAPR) Category	Amount
If you are a veteran...	Your yearly income must be less than...
Without Spouse or Child	\$12,256 <i>To be deducted, medical expenses must exceed 5% of MAPR, or, \$ 612</i>
With One Dependent	\$16,051 <i>To be deducted, medical expenses must exceed 5% of MAPR, or, \$ 802</i>
Housebound Without Dependents	\$14,978
Housebound With One Dependent	\$18,773
A&A Without Dependents	\$20,447
A&A With One Dependent	\$24,239
Two Vets Married to Each Other	\$16,051
Add for Early War Veteran (Mexican Border Period or WW1) to any category above	\$2,783
Add for Each Additional Child to any category above	\$2,093
Child Earned Income Exclusion effective: 01-01-2000 (38 CFR §3.272(j)(1))	\$7,200
<i>This link takes you to the full regulation; scroll down to get the specific citation.</i> 01-01-2001	\$7,450
01-01-2002	\$7,700
01-01-2003	\$7,800
01-01-2004	\$7,950
01-01-2005	\$8,200
01-01-2006	\$8,450
01-01-2007	\$8,750
01-01-2008	\$8,950
01-01-2009	\$9,350
01-01-2012	\$9,750

To find out how to use these rate tables [CLICK HERE](#).

For historic rate charts on this topic click on the date:

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[12-1-2003](#) [12-1-2002](#) [12-1-2001](#) [12-1-2000](#)
[12-1-1999](#) [before 12-1-1999](#).

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