



**Policy Memo**

<b>KHPA POLICY NO: 2009-09-01</b>		<b>From: Jeanine Schieferecke, Senior Manager Medicaid/HealthWave Policy</b>	
<b>Date: September 14, 2009</b>		<b>KEESM Reference: 2124</b>	
<b>RE: Applying for VA Benefits as a Potential Resource</b>		<b>Programs(s): All Medical Programs</b>	

The purpose of this memo is to provide guidance concerning the requirement for applicant/recipients to apply for Department of Veterans Affairs (VA) benefits as a potential resource. This policy clarification is effective with any case action taken on or after the issuance of this memo.

**Background** – As a condition of eligibility, current policy requires an applicant/recipient to cooperate in obtaining any potential resource which the individual may be entitled to receive. This may include applying for VA benefits when deemed appropriate. Failure to do so may render the individual ineligible for assistance.

Veterans, dependents of veterans, the surviving spouse, child or parent of a deceased veteran are all potentially eligible for VA benefits. The ES-3100.1 application however only solicits 2 questions concerning an applicant/recipient’s veteran status:

- 1) Are you a Veteran? (question B. 3)
- 2) Have you ever been married to a Veteran? (question B. 4.)

Mandating application for VA benefits by all individuals answering “yes” to either of the above questions, regardless of their potential for qualifying, has created the following unintended consequences:

- 1) The VA program has seen an increase in applications by individuals with no potential for qualifying, and
- 2) Medical assistance is being denied to otherwise eligible individuals who fail to apply for VA benefits they are not eligible to receive.

**Mandatory Referrals** – The following guidelines have been developed to determine which applicant/recipients shall be required to apply for VA benefits as a condition of eligibility based on their potential for qualifying.

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Medicaid and HealthWave:  
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State Employee Health Plan:  
Phone: 785-368-6361  
Fax: 785-368-7180

State Self Insurance Fund:  
Phone: 785-296-2364  
Fax: 785-296-6995

1) Veteran - Any individual who indicates that they are a veteran by answering “yes” to question B. 3. on the ES-3100.1 application shall be required to apply for VA benefits as a condition of eligibility and verify that they have done so.

2) Spouse of a Veteran - Any individual who indicates that they have ever been married to a veteran by answering “yes” to question B. 4. on the ES-3100.1 application shall be required to apply for VA benefits based on the following guidelines:

a) An unremarried surviving spouse of a deceased veteran shall be required to apply as a condition of eligibility and verify they have done so.

Example: The applicant/recipient’s veteran husband is deceased. The surviving wife (widow) has never remarried. She is potentially eligible for VA survivor benefits and must apply for benefits as a condition of eligibility.

b) A remarried surviving spouse of a deceased veteran shall not be required to apply since they are no longer considered a spouse and therefore not eligible for benefits.

Example: The applicant/recipient’s veteran husband is deceased. The surviving wife (widow) has since remarried. Once she remarries, she is no longer potentially eligible for benefits. She would not be required to apply for benefits as a condition of eligibility.

c) An ex-spouse of a veteran (either living or deceased) shall not be required to apply since they are no longer considered a spouse and therefore not eligible for benefits.

Example: The applicant/recipient is divorced from their veteran ex-spouse. Since the marriage has been dissolved, the non-veteran spouse is no longer potentially eligible for benefits. They would not be required to apply for benefits as a condition of eligibility.

d) A spouse of a living veteran shall not be required to apply for benefits since only surviving spouses are eligible for benefits.

Example: The applicant/recipient is currently married to his veteran wife. Since benefits are only available to the surviving spouse of a deceased veteran, he would not be potentially eligible for benefits. He would not be required to apply for benefits as a condition of eligibility.

**Exceptions** - As indicated above, veterans and unremarried surviving spouses of deceased veterans shall be required to apply for VA benefits as an eligibility requirement and verify they have done so, except in the following situations:

1) The individual verifies that they have been formally denied by VA for benefits within the last 12 months.

2) The individual provides a written statement from VA that they are not potentially eligible for benefits.

3) The individual provides any other sufficient verification that they are not potentially eligible for benefits.

**Documentation** - All decisions to require the applicant/recipient to apply for VA benefits or to exempt them from this requirement shall be clearly documented in the case file. For veterans, self-declaring their status via the ES-3100.1 should be all the documentation necessary to mandate application for benefits. However, additional information must be obtained where a spouse is involved since only unremarried surviving spouses

need apply. The attached checklist (VA Potential Benefits Checklist) shall be used to document the spouse's status. In most instances, it will be necessary to make further contact with the applicant/recipient to answer the questions on the checklist.

If you have questions about this memo, please contact Tim Schroeder at (785) 296-1144 or [Tim.Schroeder@khp.ks.gov](mailto:Tim.Schroeder@khp.ks.gov).