



NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM

An Advocate's Guide to Serving the Aging Veteran Population

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Agenda

- Setting the Stage: By the Numbers
- VA Compensation and Pension Benefits
- VA Health Conditions and Healthcare Access
- Veterans in Rural Areas
- Technology Access
- Mental Health and Suicide Prevention
- Homelessness
- Housing
- Competency
- End of Life Planning
- Scams and Claim Sharks, Reporting Abuse
- Other Resources

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Setting the Stage

- Based on 2021 US Census Bureau Data:
 - About 75% of Vets are at least 50 years old
 - About 50% or 8 million vets are 65 years and older
 - The largest group of Vets, about 25%, is 70 to 79 years old
- Different data sets use different age groups, but the majority of this material will focus on the 65 and older Veteran population
- This population is predominantly male (96%), married (67%), and living in households (98.1%)
 - Jonathan Vespa, *Aging Veterans: America's Veteran Population in Later Life* American Community Survey Reports, ACS-54, July 2023 (U.S. Census Bureau) at www.census.gov/content/dam/Census/library/publications/2023/acs/acs-54.pdf

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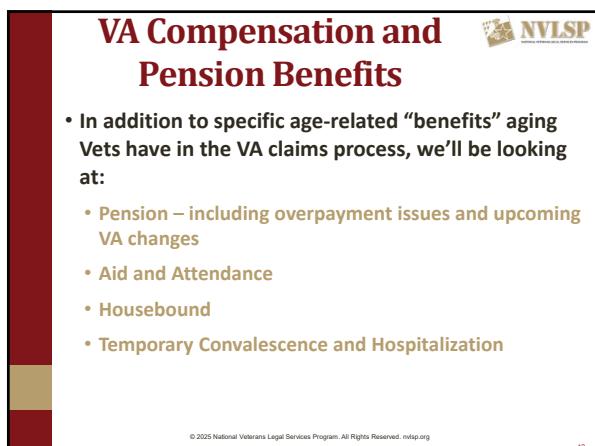
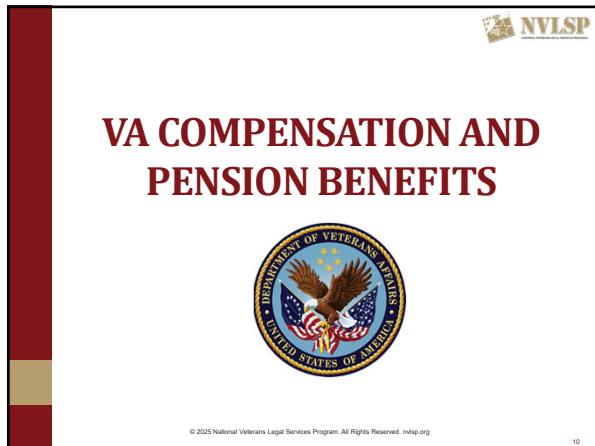
Setting the Stage: By Era

- As of 6/2025, the number of living WWII Vets was estimated to be 66,143; an average of 78 pass away per day
 - www.va.gov/VETDATA/docs/pocketcards/pocketcard.pdf
- In 2020, there were over 1 million Korean War Vets. By 2030, the aging Korean War Veteran population is projected to fall below 200,000.
 - www.va.gov/vetdata/docs/Demographics/New_Vetpop_Model/Veterans_of_Korean_War.pdf

Setting the Stage

Vietnam Era

Setting the Stage Projections



AGE RELATED VA “BENEFITS”

Non-Service-Connected Pension

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Aid & Attendance and Housebound



- Additional payments are available if a veteran needs the regular aid and attendance (A&A) of another person to perform ADLs or is substantially confined to their house (Housebound)
 - Use Form VA Form 21-2680 (Examination for Housebound Status or Permanent Need for Regular Aid and Attendance) or, if in a nursing home, use VA Form 21-0779
 - A Vet who is receives regular A&A for SC disabilities (SMC(L)) would receive \$4,767.34, compared to \$3,831.30 for 100% SC disability rating

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Pension Benefits w/ A&A or Housebound



If you have no dependents and...	Your MAPR amount is (in U.S. \$)
You don't qualify for Housebound or Aid and Attendance benefits	16,965
You qualify for Housebound benefits	20,732
You qualify for Aid and Attendance benefits	28,300

- www.va.gov/pension/veterans-pension-rates/
- Rates effective 12/1/2024 and typically increase annually based on inflation/cost-of-living increases

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Pension Overpayments



- Most recipients of VA pension are over age 65
- Many start receiving SSA retirement in their 60s, which increases the Vet's income and lead to a VA overpayment
- Make sure to ask Vet about anticipated SSA benefits (or retirement, SSA disability, or SSI benefits) and make sure they inform VA immediately if they start receiving these benefits (and any additional income)



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Pension Recent VA Changes



- Starting 12/30/2024, VA extended the overpayment waiver request deadline from 180 days to one year
 - VA has not updated its regs—38 C.F.R. § 1.963 still says 180 days
- For overpayments pending and nonfinal on or after 6/27/2023, if VA's failure to timely process info results in an overpayment to the beneficiary, he or she will not incur a debt after a one-year period during which VA has time to issue a timely decision notice
 - 38 U.S.C. § 5302B(a)(1)



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Hospitalization & Convalescence



- Temporary 100% Ratings are available for:
 - Hospitalization
 - Hospital treatment or observation related to *SC disability* for a period in excess of 21 days - from first day of hospitalization until last day of month of discharge
 - 38 C.F.R. § 4.29
 - Convalescence
 - If treatment of *SC disability* results in (1) surgery requiring at least one-month convalescence; (2) surgery with severe postoperative residuals; or (3) immobilization of a major joint by a cast, without surgery. Rating may be assigned up to one year (including extensions).
 - 38 C.F.R. § 4.30

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VA Compensation and Pension Benefits



- Considerations when assisting an older Vet with VA benefits:
 - Exact age
 - Whether they are low-income and/or don't have many assets and wartime service
 - Need for assistance in ADLs
 - Whether they are substantially confined to their house
 - Any recent surgeries for SC conditions
 - If they have an upcoming re-exam for a current SC condition or pension

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VA HEALTH CONDITIONS AND VA HEALTHCARE

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Health and Healthcare By the Numbers

- Vets ages 65–79 have higher rates of asthma and arthritis compared with non-Vets ages 65–79
- Male Vets ages 65–79 have higher rates of hypertension, high cholesterol, heart disease, diabetes, and cancer, compared with male non-Vets ages 65–79

- National Healthcare Quality and Disparities Report: Chartbook on Healthcare for Veterans [Internet]. Rockville (MD): Agency for Healthcare Research and Quality (US); 2020 Nov. Overview Of VHA Patient, Veteran, And Non-veteran Populations And Characteristics, at www.ncbi.nlm.nih.gov/books/NBK579552/

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Health and Healthcare By the Numbers

- 42% of older Vets report a disability compared to 33% of older non-Vets
- 23% of older Vets have a SC disability and 11.4% have a VA disability rating of 50% or higher
 - Jonathan Vespa, *Aging Veterans: America's Veteran Population in Later Life* American Community Survey Reports, ACS-54, July 2023 (U.S. Census Bureau) at www.census.gov/content/dam/Census/library/publications/2023/acs/acs-54.pdf
- Almost half of the 9 million U.S. Vets enrolled in the VHA health care system are 65 and older, with close to 1.2 million older than 85 yrs

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Health and Healthcare By the Numbers



- VHA projects that from FY 2020 to 2035, the subgroup of Vets age 85 and older is poised to increase by 66%
- Notably, the subset of women Vets age 85 and older is expected to see a 159% increase

• Diaz, Margaret. The Growing Crisis of Aging Homeless Veterans, March 6, 2024 at www.va.gov/HOMELESS/featuredarticles/aging-homeless-veterans.asp



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VA Healthcare



- VHA is the largest integrated health care system in the U.S.
 - VHA provides care at 1,380 health care facilities (170 VAMCs and 1,193 outpatient clinics)
 - www.va.gov/health/aboutva.asp
- VHA has recently adopted “The 4Ms of Age-Friendly Care: What Matters, Mobility, Medication, and Mind.” This is an initiative to deliver safe, reliable, high-quality health care in every setting based on what matters most to Vet.
 - www.va.gov/GERIATRICS/docs/4Ms_of_Age_Friendly_Care_Brochure_24.pdf
- Applying for Care:
 - Instructions and Enrollment Application for Health Care Benefits (VA Form 10-10EZ)
 - Application for Extended Care Services (VA Form 10-10EC)

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VA Healthcare Eligibility and Cost



- Cost and extent of care depends on which Priority Group Vet qualifies for, which takes into account:
 - Military service history
 - SC conditions and disability rating
 - Income level
 - Whether or not vet qualifies for Medicaid, and
 - Receipt of other benefits (ex: VA pension benefits)
 - www.va.gov/health-care/eligibility/priority-groups/
- Vets do not need to pay a copay for geriatric care or extended/long-term care for the first 21 days of care in a 12-month period. Starting on the 22nd day of care, co-pay is based on:
 - Level of care Vet is receiving, and
 - Financial info from the VA Form 10-10EC
 - www.va.gov/health-care/copay-rates/#geriatric-and-extended-care-co

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Healthcare

Medicare and Medicaid

Medicare, Medicaid and VA Healthcare

Healthcare Transportation

- Prevalence of driving declines sharply between 70 and 85 years of age. Additionally, mortality rates are higher for older individuals who are in a crash than younger individuals.
- Older drivers have 3-fold increased risk of crashing per mile driven, compared to middle-age drivers, but drive many fewer miles overall
 - Foley DJ, Heimovitz HK, Guralnik JM, Brock DB. *Driving life expectancy of persons aged 70 years and older in the United States*. Am J Public Health. 2002 Aug; 92(8):1284-9 at pubmed.ncbi.nlm.nih.gov/12144985/
- It is essential for advocates to understand transportation options for Vets, particularly for health appointments. The following are some options to help Vets get to their health appointments.

Veterans Transportation Service (VTS)



- Vets who are eligible for VA health care benefits and have a VA-authorized appointment are eligible for transportation through the VTS program based on the availability and guidelines in place at their local facility. Each local VA facility has ridership guidelines based on their capabilities.
- VTS has established a network of transportation options for Vets through joint efforts with different VSO, non-profits, and other organizations
- **VTS is working to establish Mobility Managers at each local VA facility to help Vets meet their transportation needs**
 - www.va.gov/healthbenefits/vtp/map.asp (state specific links for requesting transportation)

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Other Transportation Options



- **VHA-Uber Health Connect:** must be beneficiary travel (BT) eligible to receive Uber Health rides
 - www.va.gov/philadelphia-health-care/programs/vha-uber-health-connect-vuhc-initiative/
- **Highly Rural Transportation Grants (VA):** provides grant funding to Veteran Service Organizations and State Veterans Service Agencies to provide transportation services in eligible counties
 - www.va.gov/healthbenefits/vtp/highly_rural_transportation_grants.asp
- **Volunteer Transportation Network (VA):** was established to provide needed transportation for Vets seeking services from a VA facility and/or authorized facility
 - www.volunteer.va.gov/voltransnetwork.asp
- **Some VSOs such as DAV will provide transportation services**
 - www.dav.org/get-help-now/medical-transportation/
- **State and Federal Agencies may provide transportation services for older and/or disabled populations**

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Getting to C&P Exams



- Some VA C&P exam contractors may provide ride-share transportation for those who need extra assistance. It is worth asking the contractor about any services they may provide. For example, VES (Veterans Evaluation Services) states on their website:
 - “With advanced approval from the VA, generally 5-7 days before your schedule exam, VES arranges for Special Modes of Transportation (NEMT) to and from compensation exams for Veterans residing in the US.”
 - www.ves.com/faqs/



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Aging Veterans in Rural Areas

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Rural Veterans

- In FY 2022, about one-third of the 8.3 million Vets enrolled in the VA healthcare system lived in a rural area. By comparison only one-fifth of Americans live in a rural area.
- VA projects rural Vets will continue to represent a significant proportion of the nation's Vets

- VA Healthcare: Office of Rural Health Efforts and Recommendations for Improvement (GAO Highlights) at www.gao.gov/assets/d2410724high.pdf

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Rural Veterans

- Rural Vets are **more likely to have more complex medical conditions** and are more likely to be diagnosed with diabetes, high blood pressure, and heart conditions than Vets living in more urban areas
- **More than half (56%) of rural Vets enrolled in the VA healthcare system are over the age of 65**

- Bowser, L. and Washington, D., *Access to Care Among Rural Veterans* (VHA/VA-Office of Health Equity) at www.va.gov/HEALTHEQUALITY/docs/Access_to_Care_Rural_Health_Info_Brief.pdf

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Rural Veterans



- Suicide rates among rural Vets are higher than Vets who live in urban areas. Rural vets who use VA's healthcare system were found to be 65% more likely to die from suicide than those residing in urban areas.
- According to VA's Office of Rural Health, 42% of Vets residing in rural or highly rural areas enrolled in VA's healthcare system do not have internet access at home that could support VA telehealth services.....

• Bowser, L. and Washington, D., *Access to Care Among Rural Veterans* (VHA/VA-Office of Health Equity) at www.va.gov/HEALTHEQUITY/docs/Access_to_Care_Rural_Health_Info_Brief.pdf

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Rural Veterans



- VA established the Office of Rural Health in 2006 to "improve the health of rural Veterans by increasing their access to care and services through innovation, research, quality improvement, and dissemination and implementation"
- VA has established 5 geographically diverse Rural Health Resource Centers
- One of the Programs VA has established to assist Rural Veterans is the Highly Rural Transportation Grants (HRTG) program

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TECHNOLOGY ACCESS



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Technology By the Numbers



- According to the FCC, 15% of Veteran households do not have a paid connection to internet at home
 - docs.fcc.gov/public/attachments/DOC-357270A1.pdf
- A 2021 survey found:
 - 96% of those ages 18 to 29 own a smartphone compared with 61% of those 65 and older, a 35 percentage point difference, but the gap is getting smaller.
 - 96% of those 50 to 64 use the internet, compared with 75% of those 65 and older

Faverio, Michelle, *Share of those 65 and older who are tech users has grown in the past decade*, Pew Research Center (Jan. 13, 2022) at www.pewresearch.org/short-reads/2022/01/13/share-of-those-65-and-older-who-are-tech-users-has-grown-in-the-past-decade/

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VA Initiatives: The Digital Divide



- The Digital Divide Consult
 - a process that connects Vets with programs and resources that provide the internet service or technology needed for VA telehealth. Through the consult, a Vet will be referred to a VA social worker who will help them review their options. It also helps qualifying Vets receive VA-loaned equipment.
 - telehealth.va.gov/digital-divide
- VA Video Connect
 - VA's secure videoconferencing app does not require internet with certain mobile providers, and family and caregivers can join
 - mobile.va.gov/app/va-video-connect



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VA Initiatives: ATLAS Program



- ATLAS Program (Accessing Telehealth through Local Area Station)
 - Offers Vets spaces within their community to have VA telehealth appointments. Locations are equipped with internet access, telehealth technology, and on-site assistance
 - Site must be associated with the VAMC where the Vet is enrolled in care, which will determine the clinical services offered
 - Services may include primary care, mental health, and specialty services. Beneficiaries who receive care through VA can visit ATLAS sites for select VA appointments.
- ATLAS locator
 - telehealth.va.gov/facility-locator?display_all=1

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ATLAS Program: History and Expansion



- GAO found that 14 of 24 ATLAS sites active in FY 2022-2023 had no Veteran visits – 8 were eventually deactivated and 5 new ones added
 - Veterans Health Care, VA's Video Telehealth Access Program Would Benefit from Performance Goals and Measures, Aug. 2024, GAO-24-106743, at www.gao.gov/assets/880/870386.pdf
- Currently there are 21 locations
- Telehealth Grant Program (89 Fed. Reg. 89,519)
 - "This new authority requires VA to enter into agreements, and expand existing agreements, for the expansion of VA telehealth capabilities and provision of telehealth services by establishing telehealth access stations in rural, highly rural, or medically underserved areas, to the extent practicable."
 - "VA will exempt all telehealth services from the copayment requirements."

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VA Initiatives RPM-HT



- VA's Remote Patient Management-Home Telehealth (RPM-HT)
 - Focuses on prevention and early detection of worsening symptoms to reduce hospital admissions and promote better health
 - Uses health informatics, disease management, and in-home and mobile monitoring, messaging, and/or video technologies
 - Vets with chronic diseases such as heart failure, congested obstructed pulmonary disease, hypertension, hypotension, chronic kidney disease, diabetes, and multiple sclerosis are eligible
 - All RPMHT services are 100% remote by the Vets' use of the provided equipment with an occasional phone or video call as needed
 - www.va.gov/lexington-health-care/programs/remote-patient-monitoring-home-telehealth-rpmht/

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VA Initiatives: RPM-HT



- RPM-HT currently serves more than 132,000 Vets per year and adds 20,000 each year
- It helps to catch illnesses, symptoms, and problems early, in order to avoid or shorten hospital stays
- Enrollees have:
 - ~41% reduction in hospital admissions
 - Those who are admitted have ~70% reduction in the number of days in the hospital

• McMillian, Gwen, *RPM-HT saves Veterans Lives, reduces hospital admissions*, Aug. 10, 2024, at: <https://news.va.gov/133685/rpm-pt-saves-veteran-lives-reduces-admissions/>

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Paper Checks

March 2025 Executive Order

	DATE	1978
TO THE ORDER OF	\$	_____
		DOLLARS <input type="checkbox"/>
CASH		

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Paper Checks

March 2025 Executive Order

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Paper Checks

March 2025 Executive Order

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Paper Forms

- Unless a specific paper form is specifically requested, VA sends a template form telling claimant where they can find the forms *online*. But...
 - 38 CFR § 3.150 Forms to be furnished.
 - (a) Upon request made in person or in writing by any person applying for benefits under the laws administered
 - VA Form 21-0966—the Intent to File form—specifies: “After receiving this form, VA will give you the appropriate application to file for the general benefit you select above.”
 - NVLS recently appealed CAVC class action *Ripley v. Collins* (Vet. App. 21-947) concerning this issue to the U.S. Court of Appeals for the Federal Circuit (2025-1885)

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MENTAL HEALTH AND SUICIDE PREVENTION

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Mental Health and Aging

- **Older Vets with mental health diagnoses are less likely to utilize mental health services than younger Vets, but as likely to benefit once engaged**
 - Karel, M. J., Wray, L. D., Adler, G., Hammam, A. O. R., Luc, K., Brady, L. A., & McGuire, M. H. *Mental health needs of aging Veterans: Recent evidence and clinical recommendations*. *Clinical Gerontologist* (2022) at doi.org/10.1080/07317115.2020.1716910
- **“Among Veterans ages 60 and older, perception of stigma related to mental illness is associated with decreased mental health care utilization. And negative beliefs about mental health care, such as distrust of mental health professionals, are associated with decreased mental health care utilization in older Veterans who experience distress.”**
 - www.mentalhealth.va.gov/suicide_prevention/docs/ESTP-Older-Veterans.pdf

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Mental Health and Aging



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PTSD

- Overall, persons 65 and older have lower rates of PTSD.
Reasons may include:

- Resilience: It is possible older adults have built more or better ways of coping
- Previous treatment
- Risk factors: PTSD is related to a number of negative health problems. It is possible that people who had PTSD earlier in life died before reaching older adulthood.
- Period effect: PTSD was not an official diagnosis until 1980, so it is possible that older adults may have not been diagnosed earlier in their lives
- Cohort effect: As a group, older adults may share cultural norms that impact diagnosis. Research suggests that older adults:
 - May be more likely to express mental health concerns as physical (or somatic) symptoms
 - May be less likely to talk about mental health concerns due to stigma or stoicism
- Lower use of mental health care: Older adults are less likely to be referred for mental health treatment
 - www.ptsd.va.gov/understand/what/aging_veterans.asp
 - www.ptsd.va.gov/publications/print/understandingptsd_aging_booklet.pdf

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PTSD

- Why might older Vets notice PTSD symptoms more?
 - Self-reflection: Vet may look back at the course of life, and unwanted memories that had been forgotten or purposefully bottled up, may return
 - Retirement: With more time on their hands, unpleasant memories may surface more often
 - Loss: Death of a spouse, partner, or friend can mean losing an important source of support
 - A change in environment: Spending time in unfamiliar or new places, like moving to a new home, can upend their daily routine and make them feel less safe.
 - Increased screen time: may be watching more television than they used to. Media can cause one to relive memories of past traumas.
 - Medical problems: Hospital stays, chronic illness, and end-of-life issues can make one feel weaker and more fearful. PTSD symptoms may increase.
 - www.ptsd.va.gov/publications/print/understandingptsd_aging_booklet.pdf
 - www.ptsd.va.gov/understand/what_aging_veterans.asp

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PTSD

“The PTSD will hit you hardest when you retire or you’re not occupied all the time.”

Louis Bickford
U.S. NAVY
1967-1978

But it really wasn’t until after I retired in 2005 and moved to be with my family that the symptoms began to disrupt my life, disrupt my family’s life. I noticed that I was isolating. I’m typically a gregarious person, had a very active social life, love to take classes, whether it’s art or writing or whatever, and I was doing none of that.

— Mary Martin
U.S. Air Force (1981-2005)

- www ptsd va gov/understand/what/aging_veterans asp
- www ptsd va gov/publications/print/understandingptsd_aging_booklet pdf

Mental Health and Aging

Mental Health and Aging Research

• “Clinicians should recognize and address the potential for individuals with PTSD to experience difficulties during retirement..... [R]etirement offers reduced distractions from trauma-related thoughts and feelings and even could trigger reminders of past trauma. *Thus, education and additional supports for affected individuals and family members could be provided before a retirement transition takes place.*”

- Schnur PP, Lunney CA, Sengupta A, Spiro A 3rd. *A longitudinal study of retirement in older male veterans.* J Consult Clin Psychol. 2005 Jun;73(3):561-6. available at pubmed.ncbi.nlm.nih.gov/15982154/

Aging Vets and Suicide



- From 2021 to 2022, the suicide rate for Vets age 55 to 74 increased by 4.4%; for Vets age 75 and older, the suicide rate increased by 4.9%
- In deaths of Vets age 55 and older, firearms were the most used method and used at higher rates than younger groups. Among those age 75 and older, this number increased by 5% from 2021 to 2022.
- In 2022, Vets age 75 and older in Priority Group 5 had the highest suicide rate, at 77.1 per 100,000. Vets in Priority Group 5 typically have lower income levels or are receiving VA pension benefits. Financial well-being is related to better mental health and lower risk of suicide.

• U.S. Dep't of Veterans Affairs, Office of Suicide Prevention. 2024 National Veteran Suicide Prevention Annual Report. 2024. Available at www.mentalhealth.va.gov/suicide_prevention/docs/FSTP-Older-Veterans.pdf

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Aging Vets and Suicide



- Social connectedness has been shown to be a protective factor against suicidal ideation for Vets age 60 and older, while loneliness is a risk factor
- Vets with a recent MCI (mild cognitive impairment) diagnosis were at 73% higher risk for suicide and Vets recently diagnosed with dementia had a 44% higher risk when compared to Vets without MCI/dementia
- A medical record review found that patients over 50 were less likely to have been screened for impulsivity, firearms access, engagement in safety planning, referrals to mental health services and consideration of psychiatric hospitalization

• U.S. Dep't of Veterans Affairs, Office of Suicide Prevention. 2024 National Veteran Suicide Prevention Annual Report. 2024. Available at www.mentalhealth.va.gov/suicide_prevention/docs/FSTP-Older-Veterans.pdf

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Aging Vets and Suicide: Resources



- Veterans Crisis Line offers 24/7 confidential support. Vet doesn't have to be enrolled in the VA healthcare system or receiving VA benefits to connect:
 - Dial 988 then Press 1, chat online, or text 838255
- S.A.V.E. Training - will help you act with care and compassion if you come across a Vet who is in crisis or having thoughts of suicide
 - www.mentalhealth.va.gov/suicide_prevention/docs/VA_SAVE_Training.pdf

- S** Spot the signs a Veteran might be thinking about suicide
- A** Ask the critical question — "Are you thinking of killing yourself?"
- V** Validate the Veteran's experience
- E** Encourage and support next steps with the Veteran

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AGING VETS AND HOMELESSNESS

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Homelessness and the Aging Population


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Survey #1

- But what about the aging homeless veteran population? Test your knowledge:
- From 2010 to 2023, the number of homeless Veterans aged 55 or older increased by:
 - A. 50%
 - B. 100%
 - C. 150%
 - D. 200%

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Survey #1

Homelessness and the Aging Population

Homelessness Programs

Homelessness Programs

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- Legal Services for Veterans (LSV)**
 - Awards grants to legal aid organizations to help address legal barriers to housing stability
 - www.va.gov/HOMELESS/LSV.asp
- Supportive Services for Veteran Families (SSVF) program**
 - Focuses on Rapid Rehousing and Homelessness Prevention through housing navigation, crisis resolution when there is an immediate risk of housing loss, temporary financial assistance and case management
 - www.va.gov/homeless/ssvf/index.html

***Call: National Call Center for Homeless Veterans at (877) 4AID-VET (877-424-3838) or local VAMC for assistance**

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SSVF – Supportive Services for Veteran Families

 NVLSP

VA awards \$818 million in grants to combat Veteran homelessness (Aug. 27, 2025 VA Press Release)

VA announced more than \$818 million in grants to 235 organizations across the country to help Vets who are homeless or at risk of becoming homeless.

Throughout FY2026, the grants will fund local organizations as they help Vets access:

- Housing and housing counseling
- Health care
- Financial planning services
- Childcare
- Legal assistance
- Transportation



news.va.gov/press-room/va-awards-818-million-in-grants-to-combat-veteran-homelessness/

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SSVF in Action

 NVLSP

- Vet receives notice that he must vacate the property he is currently renting in the next two weeks because owner wants to move a family member into the house. Vet still has 3 months left on the lease and the lease requires the owner to give at least 60 days notice to vacate before the lease end.
- Vet has nowhere to go and is on a fixed income of VA NSC pension. He asks for his security deposits back because renting another apartment typically costs the equivalent of 3 months rent, but landlord refuses, saying he must vacate first.
- The two weeks pass and Vet does not leave. The landlord changes the locks while Vet is out one day and bags all of his belongings outside the door. Vet calls the Homeless Veteran Call Center and is connected to a local housing program for Vets funded by SSVF.

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SSVF in Action

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AGING VETS AND HOUSING

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Housing By the Numbers

- 4 million Vets are projected to be eligible for nursing home care by 2039 – double the figure eligible in 2019
- VA will establish more than 200 new facilities or programs targeting geriatric or extended care by the end of 2026, making these offerings available every VAMC

Housing By the Numbers

Home and Community Based Services

Home and Community Based Services

Home and Community Based Services

Home and Community Based Services

Long Term Care – Residential Homes

- Community Residential Care Program
 - Assisted Living facilities, Personal Care Homes, Family Care Homes, Group Living Homes, and Psychiatric Community Residential Care Homes. These places—more than 550 of them across the country—are inspected and approved by VAMC staff.
 - Chosen and paid for by the Vet
- Medical Foster Homes
 - Private residences where the caregiver and relief caregivers provide care and supervision 24 hours a day, 7 days a week. Some VAMCs have programs. VA ensures that the caregiver is well trained to provide VA planned care. While living in a Medical Foster Home, Vets receive Home Based Primary Care.
 - There is VA oversight, but not paid for or provided by VA and requires vet be enrolled in Home Based Primary care
 - www.va.gov/GERIATRICS/pages/Nursing_Home_and_Residential_Services.asp

Long Term Care – Residential Homes



National Veterans Legal Services Program

Long Term Care – Nursing Homes

VA Home Modifications Programs



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Steps to Take

- **Geriatric Evaluation/Consult – for all VHA enrolled vets**
 - For Vets with complex care needs, it is a healthcare visit with a team of experts that results in a treatment plan aimed at helping the Vet
 - The visit includes a review of Vet's physical, mental, and psycho-social health status, such as:
 - Ability to function independently
 - Ability to do basic ADLs, such as getting dressed, bathing, making meals, and managing medications
 - Vet's place of living, social network, and access to support service
 - After this visit, a plan is shared with the Vet and caregiver. The plan includes resources and support services to address current and possible future problems.
 - www.va.gov/GERIATRICS/pages/geriatric_evaluation.asp

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COMPETENCY AND AGING VETERANS

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Survey #2

Survey #2

Fiduciaries, POA, and Guardianship

Power of Attorney



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POWER OF ATTORNEY
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- Power of Attorney**
 - A legal document used by an individual to allow someone else to manage money and property on their behalf. It is a tool for planning for ***future incapacity*** because a trusted person (the agent) can stand in for an individual (the principal) who can no longer make or communicate financial decisions. Generally, powers of attorney are durable, meaning they continue in effect even after the principal loses the ability to make financial decisions. Powers of attorney list the things that the agent can do, and the document can be tailored to the needs of the principal. **A person without capacity to make decisions cannot sign a POA**

Incompetency VA Definition

Incompetency VA Definition

• VA MUST *consider* incompetency when there is:

- Entitlement to benefits
- The potential for the competency decision to impact the outcome of a determination about entitlement to legacy Service Disabled Veterans' Insurance

AND

- Qualifying evidence raises a question as to the mental capacity to contract or to manage Vet's own affairs, including disbursement of funds without limitation (includes where a mental condition is initially evaluated as totally disabling or when the total evaluation is continued in a rating decision)
 - Manual M21-1, X.ii.6.A.2.a (change date Dec. 15, 2021)

Fighting VA Incompetency Determinations



NATIONAL VETERANS LEGAL SERVICES PROGRAM

Fiduciary Program



- Generally, a beneficiary has the right to manage his or her own VA benefits. Due to a beneficiary's injury, disease, or infirmities of advanced age ... VA may determine that the beneficiary is unable to manage his or her benefits without VA supervision or the assistance of a fiduciary. Or a court with jurisdiction might determine that a beneficiary is unable to manage his or her financial affairs.
- Under any of these circumstances, VA will apply the provisions of this part to ensure that VA benefits are being used to maintain the well-being of the beneficiary and the beneficiary's dependents
 - 38 C.F.R. § 13.30

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Incompetency UGPPA Definition



- Incompetency is defined by the Uniform Guardianship and Protective Proceedings Act (UGPPA; a model act guiding guardianship reform) as: "an individual ... unable to receive and evaluate information or make or communicate decisions to such an extent that the individual lacks the ability to meet essential requirements for physical health, safety, or self-care"
- 6 elements of capacity evaluation are medical condition, cognition, everyday functioning, values, risks, and means to enhance capacity.

Moyle J, Naik AD. *Preserving rights for individuals facing guardianship*. JAMA. 2011 Mar 2;305(9):936-7, at pmc.ncbi.nlm.nih.gov/articles/PMC4073199/

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Guardianship



- Guardianship is the appointment by a court of a person or entity to make personal and/or property decisions for an individual whom the court finds cannot make decisions for themselves and there is no less restrictive way to meet the individual's needs
 - VA guidance and guardianship reform movements have recommended guardianship as a last resort and preference towards limited guardianships
 - Guardianship is a state process that varies by state
 - The Vet has the right to attend the hearing and contest the guardianship
 - www.justice.gov/elderjustice/guardianship

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End of Life Planning

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Estate Planning

- Will**
 - Specifies how an estate—one's property, money, and other assets—will be distributed and managed when a person dies. A will can also address care for children under age 18, adult dependents, and pets, as well as gifts and end-of-life arrangements, such as a funeral or memorial service and burial or cremation. If someone does not have a will, their estate will be distributed according to state law.
- A durable power of attorney for finances**
 - Names someone who will make financial decisions for the person when they are unable to.
- A living trust**
 - Names and instructs a person, called the trustee, to hold and distribute property and funds on the trustor's behalf when the trustor is no longer able to manage their own affairs
 - National Institute for Health, *Getting your affairs in Order Checklist: Documents to Prepare for your Future*, www.nia.nih.gov/health/advance-care-planning/getting-your-affairs-order-checklist-documents-prepare-future

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Advance Directives

- Durable Power of Attorney for Healthcare**
 - Vet names an adult as Vet's healthcare agent who can make healthcare decisions for that person. This person has the legal right to make healthcare decisions for the Vet if they are not able to do so.
- Living Wills**
 - Describes one's medical wishes or preferences about treatments if they are unable to make such decisions. Examples include resuscitation, mechanical ventilation (breathing machine), and feeding tube.
- VA has VA Form 10-0137 for these types of advance directives**
 - Does not need to be notarized, but should be if Vet wants it binding outside VA settings
 - Should provide a copy to Vet's VA healthcare provider
 - VA will recognize DOD and State authorized Advance Directives and Living Wills - Notarization requirements vary state by State

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Estate Planning/Advance Directive Resources

- **Local Legal Aid Organization** - will sometimes provide free assistance or hold clinics for Vets for estate planning (income dependent)
- **VA Resources** - Legal help info including Pro-Bono Legal Clinics at VA affiliated sites found at www.va.gov/ogc/legalservices.asp
- **Wills for Heroes** - a project that offers free estate planning services to Vets, usually run by **State Bar Association**
- **Ask VAMC Social Worker**



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Estate Planning Resources



- **Importance of estate planning**
 - Allows Vets to make their wishes known before they are unable to voice them and can ease burden on family members when a Vet is incapacitated or after death
 - Among older couples, the majority of men tend to be the ones who make household financial decisions, so male Vets (and female Vets) should provide their spouse with info about VA benefits eligibility, especially DIC, Survivors Pension, and burial benefits
 - This may include leaving contact info for a VSO, because the surviving spouse will need to sign a new VA Form 21-22 to appoint the representative

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Scams and Fraud



- **35% of service members and veterans lost money to a scam, compared to 25% of civilians surveyed.** The largest number of military respondents fell victim to grandparent impostor scams, followed by tech support fraud, IRS impostors, fake offers to fix a low credit rating, credit card fraud, and phishing emails seeking personal info

• www.aarp.org/content/dam/aarp/home-and-family/voices/veterans/2018/11/Watchdog-Alert-Handbook-Veterans-Edition-9-Ways-Con-Artists-Target-Veterans-AARP.pdf

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Tips to Avoid Scams and Where to Report



Tips

- VA rarely calls to confirm info. When caller claims to be VA, hang up and call VA back at 800-827-1000 to check
- Encourage Vets to delay any action and to discuss any request for info with you or a trusted individual
- Gift cards are not a legitimate means of payment
- Request that credit be frozen if identify theft is suspected

Reporting

- To report suspected fraud or scams, call the VSAFE Fraud Hotline: **833-38V-SAFE (8-7233)**.
- Also contact Office of Inspector General at **800-488-8244** or online at www.va.gov/oig/apps/info/HotlineContactForm.aspx?ccs=1
- Review info at: benefits.va.gov/BENEFITS/fraud-prevention.asp and the [AARP Watchdog Alert Handbook](#) on previous slide for other resources and ways to report

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Claim Sharks



- **Claim Sharks** are unaccredited representatives who illegally charge exorbitant fees for filing initial claims. While illegal, there are currently no criminal penalties.
- **Look out for:**
 - **Charging High Fees:** Predatory companies may charge absurd fees or require portion or multiple portions of Vet's VA benefit award. Advise Vet to never pay anyone a fee to file an initial claim for VA benefits.
 - **Making Dishonest Promises:** Tell Vet not trust anyone who claims they can help accelerate the claims process and obtain a 100% disability rating.
 - **Pressure to Sign:** Advise Vet to never sign a contract agreeing to pay an individual/company in exchange for help with an initial VA claim.
- **VA accredited attorneys and claims agents** may charge a *reasonable* fee for some services after VA denies a claim. VSO representation is free. Accredited reps can be found at www.va.gov/get-help-from-accredited-representative/ for accredited reps.

ov/BENEFITS/fraud-prevention.asp#Pen

Reporting Elder Abuse



- National studies find that over 10% of older adults are victims of elder abuse annually
- Every State has a Dep't of Adult Protective Services and the National Adult Protective Services Association provides state specific resources, including for reporting elder abuse at
 - www.napsa-now.org/help-in-your-area/
- Additional Resources available at:
 - www.justice.gov/d9/fieldable-panel-panes/basic-panes/attachments/2022/06/22/eji_veterans_elder_abuse_0.pdf

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Abuse and Misuse Reporting (VA)



- To report the misuse of a Veteran's VA benefits, call **1-800-488-8244** or email VAOIGHotline@VA.gov
- For assistance concerning VA Extended Care & Home Care fraud, email VHAPurchasedLTSSSupportGroup@va.gov



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Caregiver Resources



- "Caregiver burnout is a state of physical, emotional and mental exhaustion. It may be accompanied by a change in attitude from positive and caring to negative and unconcerned. Burnout can occur when caregivers don't receive the help they need, or try to do more than they are able to. Caregivers who are "burned out" may experience fatigue, stress, anxiety, and depression."
 - [health.mil/Reference-Center/Fact-Sheets/2022/06/08/Taking-Care-of-Yourself-A-Guide-for-Caregivers-of-Service-Members-and-Veterans](https://www.health.mil/Reference-Center/Fact-Sheets/2022/06/08/Taking-Care-of-Yourself-A-Guide-for-Caregivers-of-Service-Members-and-Veterans)
- Advice
 - Look into respite care services from VA which may help provide breaks from caregiving
 - Participate in support groups and talk to someone about self-care strategies
 - More resources can be found in "A Caregiver's Guide to Coping with Stress and Burnout" at www.caring.com/resources/caregiver-burnout
 - Family Caregiver Services by State: www.caregiver.org/connecting-caregivers/services-by-state/

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Other General Resources



- **Community Resources:**
 - www.va.gov/GERIATRICS/pages/other_resources.asp?utm_source=geriatrics_left_menu
- Elder Care outreach coordinators are located at each VARO and serve as a direct point of contact to assist older Vets with their specific needs. They can also provide info about other organizations and resources.
- VA Social Workers are a great starting point for resources and do everything from case-management to screening, crisis intervention, and psychotherapy
 - www.socialwork.va.gov/Social_Work_Leaders.asp?utm_source=geriatrics&utm_medium=website&utm_campaign=find_a_VA_social_worker

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