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New Jersey Elder Lawyer

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VA BENEFITS AND ASSISTED LIVING MEDICAID

As some of you may know, the Veterans Administration has certain benefits that may be made payable to a veteran and/or that person's spouse. Some benefits may be made payable, to such an individual, if they have become disabled as a result of military service. There are other benefits, however, that are payable if the person has suffered a non-service -related disability.

Although these benefits may help those individuals who need care at home, or in a bona fide nursing home, there is a problem when it comes to Assisted Living in NJ.

The payment of such benefits may place the individual over the "income cap".. Unlike nursing home Medicaid, there are no Medicaid benefits available for one whose income exceeds the monthly income cap. As a result, the payment of any benefits, to a Assisted Living applicant, may disqualify that person for Medicaid assistance.

Medicaid statutory and case law resembles that for Social Security Income (SSI) cases. Even though it is established, in the SSI venue, that VA benefits are NOT to be counted toward an income cap, NJ will NOT adhere to such practice.

End result: be careful when applying for VA benefits if your loved one is applying for Medicaid subsidies for Assisted Living.

James E. De Martino is licensed to practice in the State of New Jersey.

Our practice is limited to estate planning, long-term care planning, and NJ Medicaid asset protection.

Elder Law and NJ Estate Planning Strategies

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