

**Program of Comprehensive Assistance for Family Caregivers
Proposed Regulation**

Monthly Stipend Payment Frequently Asked Questions

1. How is VA proposing to change the way stipends are calculated?

Currently the Department of Veterans Affairs (VA) calculates stipend payments using data from the Bureau of Labor Statistics (BLS). Under the proposed regulation, VA would base stipend payments on the Office of Personnel Management (OPM) General Schedule (GS). VA would refer to the stipend amount as the “monthly stipend rate.” In addition, VA is proposing to move away from the current clinical ratings used to determine the stipend amount (based on the degree to which the eligible Veteran (to include qualifying Servicemembers) is unable to perform one or more ADLs or is in need of supervision or protection based on symptoms or residuals or neurological or other impairment or injury), define two levels (versus the current three tiers) to distinguish the amount and degree of personal care services provided to an eligible Veteran (based on whether the eligible veteran is determined to be unable to self-sustain in the community), and base stipend payments on a percentage of the monthly stipend rate instead of presuming that the eligible Veteran requires a certain number of weekly hours of caregiver assistance.

2. What is the monthly stipend rate?

Under the proposed regulation, the monthly stipend rate would be based on the OPM GS Annual Rate for grade 4, step 1, based on the locality pay area in which the eligible Veteran resides. Because VA provides a monthly stipend, the annual rate would be divided by 12.

3. How would the stipend amount be linked to the Veteran’s level of care?

VA proposes to establish two levels for stipend payment amounts versus the three tiers in the current rule. The Department would no longer base stipend payment amounts on a presumed number of hours of caregiver assistance required by the eligible Veteran. Instead, VA proposes to apply a specific percentage of the monthly stipend rate based on the amount and degree of personal care services provided to the eligible Veteran. The proposed levels for stipend payments are as follows:

- a. Level 2: For an eligible Veteran who is determined to be **unable to self-sustain in the community**, the primary family caregiver’s stipend amount would be 100% of the monthly stipend rate. For example, the GS rate at grade 4, step 1 in Dallas, Texas for 2020 is \$33,638 annually. Thus, the 2020 monthly stipend amount for a primary family caregiver of an eligible Veteran in Dallas, Texas at this rate would be approximately \$2,803.17.
- b. Level 1: For an eligible Veteran who is not determined to be **unable to self-sustain in the community**, the primary family caregiver’s stipend amount would be 62.5% of the monthly stipend rate. Thus, the 2020 monthly stipend amount for a primary family caregiver of an eligible Veteran in Dallas, Texas at this rate would be approximately \$1,751.98.

Note: VA would consider “unable to self-sustain in the community,” to mean that an eligible Veteran: (1) requires personal care services each time he or she completes three or more of the seven activities of daily living (ADL) listed in the definition of an inability to perform an ADL, and the eligible Veteran is fully dependent on a caregiver to complete such ADLs; or (2) has a need for supervision, protection, or instruction on a continuous basis.

Note: VA would define “inability to perform an activity of daily living” to mean the Veteran or Servicemember requires personal care services each time he or she completes one or more of the following: (a) dressing or undressing oneself; (b) bathing; (c) grooming oneself in order to keep oneself clean and presentable; (d) adjusting any special prosthetic or orthopedic appliance that, by reason of the particular disability, cannot be done without assistance (this does not include the adjustment of appliances that nondisabled persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.); (e) toileting or attending to toileting; (f) feeding oneself due to loss of coordination of upper extremities, extreme weakness, inability to swallow, or the need for a non-oral means of nutrition; or (g) mobility (walking, going up stairs, transferring from bed to chair, etc.).

VA would define “need for supervision, protection, or instruction” to mean an individual has a functional impairment that directly impacts the individual’s ability to maintain his or her personal safety on a daily basis.

4. *How would the stipend change for a primary family caregiver of a legacy participant or a legacy applicant?*

VA would define a legacy participant as an eligible Veteran whose family caregiver(s) was approved and designated by VA before the effective date of the final rule. The eligible Veteran would continue to be considered a legacy participant so long as his or her primary family caregiver (approved and designated before the effective date of the final rule) continues to be approved and designated as such.*

VA would define a legacy applicant as a Veteran or Servicemember who submits a joint application for PCAFC that is received by VA before the effective date of the final rule and for whom a family caregiver(s) is approved and designated on or after the effective date of the final rule. The Veteran or Servicemember would continue to be considered a legacy applicant so long as his or her primary family caregiver (approved and designated after the effective date of the final rule pursuant to the joint application) continues to be approved and designated as such.*

* The proposed rule includes further discussion of these terms, including the complete proposed definitions.

The stipend amount for a primary family caregiver of a legacy participant or legacy applicant would not decrease in the 12 months following the date the final rule becomes effective, except in cases where the reduction is the result of the eligible Veteran relocating to a new address.

- a. **For legacy participants and legacy applicants who meet the new eligibility requirements**, VA would determine the applicable stipend amount under the new stipend payment methodology.
 - o **If the reassessment results in an increase in the stipend amount**, the increase would take effect as of the date of the reassessment, and the primary family caregiver would

receive a retroactive payment to account for the increase back to the effective date of the final rule.

- **If the reassessment results in a decrease in the stipend amount**, VA would provide advance notice of the decrease one year after the effective date of the final rule. The decrease would go into effect no earlier than 60 days after such notice.
- b. **For legacy participants and legacy applicants who do not meet the new PCAFC eligibility criteria** (and who are not discharged or revoked on another basis), VA would provide advance notice of discharge one year after the effective date of the final rule. The discharge would be effective no earlier than 60 days after such notice, and benefits would continue for 90 days after discharge from the program.