



Eligibility Operations Memo 19-08
July 15, 2019

TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Deputy Policy Director for Eligibility

RE: The Act Relative to Veterans Benefits, Rights, Appreciation, Validation, and Enforcement (BRAVE Act)

Introduction

The Act Relative to Veterans Benefits, Rights, Appreciation, Validation and Enforcement, known as the “BRAVE Act,” is a new Act that was signed into law last year by the Massachusetts Legislature and became effective November 7, 2018. The purpose of the BRAVE Act is to improve and expand the benefits available to the Commonwealth’s veterans, active military members, and their families.

Massachusetts General Law Amendment

The BRAVE Act amended Section 25 of Massachusetts General Laws (M.G.L.) chapter 118E in how we count federal veterans’ benefits. Under this amendment, MassHealth will disregard “the entire amount of a monthly payment to a veteran or a widowed spouse of a veteran, including pension, aid and attendance and housebound benefits, from the United States Department of Veterans Affairs if the veteran or widowed spouse would not have received such a payment from the United States Department of Veterans Affairs but for unreimbursed medical expense.”

Summary

The Department of Veterans Affairs (VA) subtracts unreimbursed medical expenses (or UME) when determining eligibility for some needs-based pensions and compensation payments. Under the BRAVE Act, MassHealth will disregard the entire VA pension payment, for the non-MAGI population, only if the individual is receiving such payment because of UME. For example, if an individual was otherwise ineligible to receive a VA pension because they were over the income threshold, but by deducting their UME from their total income, they fall below their applicable threshold, MassHealth will disregard the entire veterans’ payment in the financial eligibility calculation as well as post-eligibility.

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MAGI Population

The BRAVE Act does not affect our MAGI population as nontaxable veterans' benefits are already considered non-countable income for this population.

Questions

If you have any questions about this memo, please have your MEC designee contact the Policy Hotline.