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Eligibility for Health Care Programs - Canada Service Veteran

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Purpose

This policy provides direction on health care eligibility for those individuals who are recognized as Canada Service Veterans under the *Veterans Health Care Regulations (VHCR)*.

Policy

General

1. The history of the Canada Service Veteran benefit entitlement is included as an Annex to this document (See Annex A, part A).
2. A Canada Service Veteran is defined in the *Veterans Health Care Regulations* as:
    a. a Veteran who served on full-time active service, other than service in a theatre of actual war, as a member of the naval, army or air forces of Canada or similar forces established in Newfoundland and Labrador, or a Canadian Merchant Mariner other than a Merchant Navy Veteran, who:

i. served for a minimum of 365 days during the period beginning on September 1, 1939 and ending on August 15, 1945 (See the guide to determining service time in Annex A, part B);
ii. is 65 years of age or more; and
iii. satisfies the income requirement of an income-qualified Veteran (See the guide to calculating income in Annex A, part C). The War Veterans Allowance income factor and income calculation for determining if a Canada Service Veteran is income-qualified is not to be misconstrued as establishing eligibility for War Veterans Allowance.

3. Individuals eligible for treatment benefits, Veterans Independence Program services, including intermediate care, and/or Long Term Care (chronic care) in accordance with this policy may only be authorized to receive such benefits, services or care to the extent that the benefits, services or care are not available under a provincial health care system, or if the cost of the benefits, services or care is not recoverable from a third party. Refer to the policies entitled Requirement to Access Provincial Programs and Costs Recoverable from Third Parties.

Treatment Benefits (Any Health Condition)

4. Canada Service Veterans are eligible to receive treatment benefits in Canada for any health condition, if they:
   a. are eligible to receive home care, ambulatory health care, or intermediate care under the Veterans Independence Program; or
   b. are in receipt of financial support towards the cost of chronic care under the Long Term Care program in a community bed.
5. Individuals who meet the service and age requirements described in paragraph 2, but do not meet the income requirement, are eligible to receive treatment benefits in Canada, if they are::
   a. in receipt of, or eligibility has been established for, services and/or care under the Veterans Independence Program, specifically home care, ambulatory health care, or intermediate care, in accordance with paragraph 12 of this policy; or
   b. in receipt of chronic care in a community bed, in accordance with paragraph 16 of this policy.

Supplementary Benefits

6. Canada Service Veterans are eligible to receive supplementary benefits if they are authorized to receive the following treatment benefits:
   a. any medical, surgical or dental examination or treatment provided by a health professional; or,
   b. the provision or maintenance of any surgical or prosthetic device or aid, or any home adaptations to accommodate the use of the device or aid.

Miscellaneous Benefits

7. Canada Service Veterans are eligible to receive reimbursement associated with a medical examination (i.e. charges for examination and travel), if the medical examination is requested by Veterans Affairs Canada or the Veterans Review and Appeal Board (refer to the policies entitled Health-related Travel and Costs Associated with Requested Medical Examinations).
8. Canada Service Veterans are eligible to receive the cost of the premium or fee that is required to access:
   a. insured health services of the province in which they reside; or
   b. municipal or provincial benefits, services or care similar to the benefits, service or care described in the *Veterans Health Care Regulations*.

Refer to the policy entitled Premiums and Fees – Health Care for additional information.

9. Canada Service Veterans who are transferred from one health care facility to another for medical reasons are eligible to receive the costs of transportation incurred in Canada, if they are eligible to receive any part of the cost of:
    a. intermediate care under the Veterans Independence Program; or
    b. chronic care under the Long Term Care Program.

    Refere to the policy entitled Health-related Travel for additional information.

10. When critically ill, Canada Service Veterans who are in receipt of intermediate care or chronic care, or acute care in a hospital and, in the attending physician's opinion, a visit by a family member or other designated person would be beneficial to the health of that Veteran; that family member or other designated person is eligible to receive the transportation costs incurred, in Canada, for the visit. (See Health-related Travel policy for additional information.)

Veterans Independence Program

11. Canada Service Veterans are eligible to receive financial support toward the cost of any of the Veterans Independence Program services, including intermediate care, to the extent that the services are not available to them as insured services under a provincial health care system, or if the cost of such services is not recoverable from a third party (see policies entitled Requirement to Access Provincial Programs and Costs Recoverable from Third Parties), if:
    a. they are resident in Canada; and
    b. an assessment indicates that the provision of the services will assist them to remain self-sufficient at their principal residence, or the provision of intermediate care is necessary for health reasons.
12. Individuals who meet the service and age requirements described in paragraph 2 of this policy, but do not meet the income requirement, are eligible to receive financial support toward the cost of any of the Veterans Independence Program services, including intermediate care, to the extent that the services are not available to them as insured services under a provincial health care system, or if the cost of such services is not recoverable from a third party (see policies entitled Requirement to Access Provincial Programs and Costs Recoverable from Third Parties), if they meet all the following:
    a. they are resident in Canada;
    b. they require any of the Veterans Independence Program services, including intermediate care, as a result of exceptional health needs (see Exceptional Health Needs policy);
    c. they have insufficient income to enable them to pay for those services or that care (i.e. the cost of the required service or care reduces their income to an amount below the maximum War Veterans Allowance income factor applicable to them); and
    d. an assessment indicates that the provision of the services will assist them to remain self-sufficient at their principal residence, or the provision of intermediate care is necessary for health reasons.
13. Canada Service Veterans described in paragraph 12 are required to pay the amount of their assessable income that exceeds the applicable War Veterans Allowance income factor toward the cost of the needed service or intermediate care. Those receiving intermediate care are also required to pay up to the maximum accommodation and meals rate.

Long Term Care Program - Contract Bed

14. Canada Service Veterans are not eligible to receive care in a contract bed.

Long Term Care Program - Community Bed

15. Canada Service Veterans are eligible to receive financial support toward the cost of chronic care in Canada in a community bed, if:
    a. the chronic care is not available to them as an insured service under a provincial health care system; and
    b. an assessment shows that the care is an appropriate response to the health needs.
16. Individuals who meet the service and age requirements described in paragraph 2, but do not meet the income requirement, are eligible to receive financial support toward the cost of chronic care within Canada in a community bed, if the care is not available to them as an insured service under a provincial health care system, or if the cost of such care is not recoverable from a third party (see policies entitled Requirement to Access Provincial Programs and Costs Recoverable from Third Parties) provided::
    a. an assessment shows that the care is an appropriate response to their health needs; and
    b. the cost of the care reduces their income below the applicable War Veterans Allowance income factor.
17. Individuals described in paragraph 16 of this policy are required to pay:
    a. the amount of their assessable income that exceeds the applicable War Veterans Allowance income factor toward the cost of care; and
    b. up to the maximum accommodation and meal rate (see the policy entitled Accommodation and Meals Contribution for more information).

ANNEX A - Canada Service Veteran

A. History

Canada Service Veteran

On April 1, 1989, Veterans Independence Program benefits were extended to Canadian Veterans who served in Canada only (see SOR/89-157). A Canada Service Veteran was/is defined as a Veteran of World War I or World War II who:

a. served on full-time active service, other than service in a theatre of actual war as a member of the Canadian forces or similar forces established in Newfoundland and Labrador;
b. 65 years of age or more; and
c. satisfied the income criteria to be recognized as an income-qualified Veteran.

At that time, Treatment Benefits eligibility was also extended to Canada Service Veterans, once they were determined eligible for any of the Veterans Independence Program services.

On January 1, 1995, Canada Service Veterans were extended access to Veterans Independence Program benefits based on the exceptional health needs provision contained in Section 18 of the *Veterans Health Care Regulations* (see SOR/94-791).

On April 26, 2001, the definition of a Canada Service Veteran was expanded to include Canadian Merchant Mariners, excluding Merchant Navy Veterans, who served for a minimum of 365 days during World War I or World War II (see SOR/2001-157). This was done as a result of Bill C-61, wherein the provisions governing

Merchant Navy Veterans were transferred from the *Merchant Navy Veteran and Civilian War-related Benefits Act* to the same Acts that provide benefits to Armed Forces Veterans, namely the *Pension Act* and the *War Veterans Allowance Act*.

On August 28, 2001, Canada Service Veterans were granted access to chronic care in a community facility, other than a contract bed (see SOR/2001-326). Eligibility for Treatment Benefits once placed in chronic care, as well as access to chronic care based on insufficient income (i.e. Section 22.1 of the *Veterans Health Care Regulations*), were also extended at that time.

History of Active Service

During the Second World War, the Militia was divided into Active (Permanent Active Militia) and Reserve (Non Permanent Active Militia) units. During wartime, if a person volunteered for service in the Militia, they entered into a contract for a specific period of time. Pursuant to the *Militia Act*, that person was placed on Active Service anywhere in Canada or beyond, if required. Pursuant to the *National Resources Mobilization Act* of 1940, the *National War Services Regulations* were passed on August 27, 1940, for the purpose of calling men out for service during World War II. These men, known as "National Resources Mobilization Act soldiers", were obligated to serve in Canada only; but, if an National Resources Mobilization Act soldier chose to volunteer, he/she was enrolled in General Services and likely sent overseas. Effective August 1, 1942, the provision limiting National Resources Mobilization Act soldiers to service only within Canada was repealed.

Non Permanent Active Militia

Upon reporting for training and passing the supplemental medical examination, all National Resources Mobilization Act soldiers became members of, and were taken on the strength of, the respective Non Permanent Active Militia Unit for which they received their pay and allowances. A special enrollment form entitled *Militia Act - National Resources Mobilization Act* was signed.

Service as a National Resources Mobilization Act soldier could have been deemed Active Service pursuant to the *Militia Act* depending on the reason for the person being called out and the specific nature of the duties. Service in the Non Permanent Active Militia was part-time or temporary in nature. In the early part of the war, the person was able to continue to maintain full-time employment given that the person would normally report for training one or two days a week, or possibly for two week drills in the summer or winter.

In the fall of 1940, in keeping with the provisions of the *National Resources Mobilization Act*, the Non Permanent Active Militia annual drill and training, as well as the initial 30-day compulsory training period was not considered as Active Service. Upon completion of such training, an individual was allowed to return home.

In early 1941, in accordance with the coming into force of the *Reserve Army Special Regulations*, individuals were called up for further training (i.e., four months of training). Upon completion of this training, these individuals were sent to coastal duties as NRMA soldiers, and they could not hold down another job. The aforementioned Regulations permitted that any such four-month training period (some situations may have started as early as January 1941, depending on the specific nature) could be counted as Active Service.

On March 16, 1942, the Governor-in-Council ordered that the Active Militia, comprised of Reserve Formations and Units of the Canadian Army, were to drill or train, as required, for such period not exceeding sixty days in each year. Under the conditions laid out, this service was designated as Active Service.

Effective, December 1, 1943, all service under the *National Resources Mobilization Act* was deemed to be Active Service (P.C. Order 7989, dated October 14, 1943).

B. Determining Service

To confirm that an individual has sufficient full-time active service to meet the minimum 365-day requirement, it is most easily accomplished by examining the departmental individual's file wherein the Statement of War Service Gratuity form is housed. At the time of discharge, a Statement of War Service Gratuity form was completed by the Department of National Defence for every member of the Canadian Armed Forces.

The Statement of War Service Gratuity form contains the following information:

- Name (served under);
- Address (at the time of discharge)
- Service Number
- Final Rank or Rating, and
- Date of Discharge

Section A contains:

- Total Qualifying Service, and
- Number of Days

Section B contains:

- Qualifying Overseas Service

On some occasions, a Medical Board Proceedings form may be found on the Veteran's file. The Medical Board Proceedings form contains the following information:

- Rank
- Regimental Number
- Unit
- Member's Name and Address
- Date and Place of Enlistment or Enrolment
- Date of Birth
- Occupation in Service
- Length of Service
- Whether the service was confined to Canada or performed abroad. (The information on the form dealing with whether the service was confined to Canada or performed abroad is found on page 1 of the form, specifically section 9.)

Both these forms may be found on the applicant's dormant file, Regional Office file or Head Office file, although in some cases the Medical Board Proceedings form may not be present. Either form may contain enough information to confirm qualifying service for Canada Service Veteran purposes.

If the above-mentioned documents are unavailable, or inconclusive in establishing qualifying service; it will be necessary to formally verify the individual's claimed service with the National Archives of Canada. A VAC264 Request for Service Verification should be forwarded to the National Archives of Canada.

NOTE: The 365 days do not have to involve a consecutive period.

Leave

When reviewing individual service records, there will be some situations where the Veteran's period of service was disrupted for various reasons, including:

a. Leave Without Pay - which was applicable for essential services purposes or compassionate reasons, and was granted during periods between compulsory training and actual call-up for National Resources Mobilization Act service;
b. Absence Without Pay - which was applicable for individuals undergoing sentence of penal servitude, imprisonment, or any other incarceration in which pay is forfeited.

In all instances the official records will reflect the Leave aspect, and the respective dates involved. The records will also reveal whether such leave was considered Active Service.

NOTE: Time spent on leave is not counted toward fulfilling the 365 day full-time active service period.

C. Calculating Income

Assessment Formula

As per paragraph 2.a)(iii) of this policy, by reference to the *War Veterans Allowance Act*, the income of the individual must be assessed against income criteria to determine benefit eligibility (verify that the Veteran satisfies the income requirement of an income-qualified Veteran).

To be eligible as a Canada Service Veteran, the income requirement of an income-qualified Veteran must be met, and is measured using the War Veterans Allowance income factor.

In the case of a Canada Service Veteran:

a. the Veteran does not meet the service requirements of the *War Veterans Allowance Act* under sections 37(3) and 37(5); and
b. the Veteran has an assessable income, excluding Old Age Security, that is equal to or less than the applicable War Veterans Allowance income factor for that Veteran's situation. War Veterans Allowance income factors (listed below) may be found in the Schedule to the *War Veterans Allowance Act*.

The War Veterans Allowance income factor and income calculation for determining if a Canada Service Veteran is income-qualified is not to be misconstrued as establishing eligibility for War Veterans Allowance, even though this calculation uses the same income assessment for those Veterans seeking War Veterans Allowance eligibility. (See Income Assessment – War Veterans Allowance Program policy.)

For the purpose of the Veterans Independence Program, income eligibility is to be determined using the following War Veterans Allowance income factors (as per the Schedule to the *War Veterans Allowance Act*):

a. in the case of a single Canada Service Veteran, the single income factor of War Veterans Allowance;
b. in the case of a Canada Service Veteran married to a non-Veteran, the married income factor of War Veterans Allowance;
c. in the case of a Canada Service Veteran married to another Canada Service Veteran, double the single income factor of War Veterans Allowance;

d. in the case of a Canada Service Veteran married to a Veteran who meets the service eligibility requirement of the War Veterans Allowance Act, the same income factor indicated in c) above.

NOTE: In the scenarios described above in c) and d), both Veterans must meet the income qualifications. It is not possible for one Veteran to meet the income qualifications, and the other Veteran to have excess income.

Where there are dependent children involved, the normal War Veterans Allowance rules dealing with dependents apply.

Restriction of Income Assessment for Veterans Independence Program

The required conditions expressed above in Assessment Formula are for use only when determining eligibility for Veterans Independence Program. These are not to be misconstrued as establishing eligibility for War Veterans Allowance which is a distinct and separate process.

References

War Veterans Allowance Act

Veterans Health Care Regulations

Requirement to Access Provincial Programs

Costs Recoverable from Third Parties

Accommodation and Meals Contribution

Premiums and Fees – Health Care

Health Related Travel