Veterans Affairs Canada | Anciens Combattants Canada

Eligibility for Health Care Programs - Primary Caregiver

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This policy replaces the following policy: 1. xvi Primary Caregivers.

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Purpose

This policy provides direction on establishing Veterans Independence Program (VIP) eligibility for those individuals who are recognized as Primary Caregivers under the *Veterans Health Care Regulations (VHCR)*.

Policy

General

1. On September 1, 1990, Veterans Affairs Canada (VAC) was first authorized to provide VIP services to anyone other than a Veteran. At that time, the VHCR were amended to provide surviving spouses with a one-year continuation of housekeeping and/or grounds maintenance services that the Veteran was receiving at the time of death. This was done to give the surviving spouse an opportunity to make alternate arrangements after the Veteran's death.
2. On June 13, 2003, the VHCR were amended to enable all future survivors (i.e. a survivor of a Veteran who died on or after June 18, 2003, the date regulatory change came into effect), to continue receiving, for life, the housekeeping and/or grounds maintenance services that were in place at the time of the Veteran's death or admission into a health care facility. Those whose spouses died before June 18, 2003, did not qualify for any lifetime continuation at that time. An additional amendment, made on December 3, 2003, allowed all survivors who had once received the one-year continuation of housekeeping and/or grounds maintenance services, to have those benefits reinstated and continued for life provided the need for the services continued. This change encompassed survivors of Veterans who died on or after September 1, 1990. Also on December 3, 2003, primary caregivers were first recognized in cases where there were no survivors.

3. Effective February 15, 2005, amendments were again made to the VHCR, this time to extend housekeeping and/or grounds maintenance services to primary caregivers, if the Veteran was in receipt of the services at the time of death or admission to a long-term care facility, regardless of the date of death or admission to a long-term care facility. Additionally, the reference to survivors was removed, and the term "primary caregiver" was interpreted to include survivors.

Allied Veterans

4. Effective January 1, 2010, amendments to the VHCR provide eligible primary caregivers of certain Allied Veterans access to the housekeeping and/or grounds maintenance services of the VIP that the Veteran would have been "entitled to receive", if:
    a. the Veteran satisfies the definition of an Allied Veteran as described in paragraph 37(4)(c.1) and (d.1) or subsection 37(4.1) or (4.2) of the *War Veterans Allowance Act (WVA)*;
    b. the Veteran is not grandfathered under the 1995 amendments to the WVA Act;
    c. the Veteran died or began residing in a health care facility during the period beginning on October 14, 2008, and ending on December 31, 2009; and,
    d. the primary caregiver applies to the Minister for the services no later than December 31, 2010.

    On June 18, 2009, Royal Assent was given to Bill C-33, *An Act to Amend the WVA Act*, granting the changes necessary to reinstate benefits under the WVA Act to certain Allied Veterans of the Second World War, and to extend for the first time these same benefits to certain Allied Veterans of the Korean War. As the WVA Act serves as a "gateway" to other Veterans' benefits, amendments to the VHCR came into effect on January 1, 2010, to provide access to health care, the Veterans Independence Program and long-term care to income-qualified World War II Allied Veterans who have at least 10 years post-war Canadian residence and were not grandfathered under the 1995 amendments to the WVA Act. These same benefits are also available to income-qualified Allied Veterans of the Korean War who either satisfy a pre-war domicile connection to Canada or have at least 10 years post-war Canadian residence.

Primary Caregiver Defined

5. Under the VHCR, a "Primary Caregiver", in relation to a client, means the adult person (18 years or older) who immediately before the client died or was admitted into a health care facility:
    a. was primarily responsible, without receiving a wage, for ensuring that care was provided to the client; and
    b. for a continuous period of at least one year, resided in the principal residence of the client and maintained the client or was maintained by the client.

Veterans Independence Program

6. A primary caregiver is entitled to housekeeping services and/or maintenance of the grounds that the client was receiving under the *Department of Veterans Affairs Act* at the time the client died or began residing in a health care facility, if:
    a. the primary caregiver is assessed within one year after the earlier of the client's death or the client's admission into the health care facility or presents evidence relating to their health condition during that period on the basis of which as assessment can be made;
    b. the assessment and all subsequent assessments indicate that the provision of the services are necessary for health reasons and to assist the primary caregiver to remain self-sufficient at their

principal residence;

c. the primary caregiver is a resident of Canada; and
d. the services are not available to the primary caregiver as insured services under a provincial health care system or a private insurance policy.

References

War Veterans Allowance Act

Department of Veterans Affairs Act

Veterans Health Care Regulations