

CHAPTER 9
SECTION 3.1

RESTORATION OF CHAMPVA ELIGIBILITY FOR CERTAIN MEDICARE BENEFICIARIES

Issue Date: April 19, 1983

Authority: Section 5, Public Law 97-251

I. ISSUE

CHAMPVA beneficiaries lose their eligibility when they become entitled to hospital insurance benefits under Part A, Hospital Insurance, of Title XVIII of the Social Security Act. When can these beneficiaries have their CHAMPVA eligibility restored?

II. BACKGROUND

On September 8, 1982, Public Law 97-251, the Veterans Administration Health-Care Programs Improvement and Extension Act of 1982, was signed into effect. Section 5 of that law provides for restoration of CHAMPVA eligibility in certain circumstances for certain beneficiaries who previously lost their eligibility when they became entitled to Part A of Medicare. As a result, certain beneficiaries may have CHAMPVA eligibility in addition to their entitlement to Medicare, Part A.

III. POLICY

A spouse, surviving spouse, or child who was previously eligible for CHAMPVA but who lost his or her eligibility upon becoming entitled to Medicare Part A (42 USC 1395c et seq.) may have CHAMPVA eligibility restored when they have exhausted any part of their Medicare Hospital Insurance benefits. This can include exhaustion of their benefits for a particular year or their lifetime reserve benefits. Once CHAMPVA eligibility is restored under this provision, it shall be continued regardless of subsequent renewed eligibility for Medicare Part A benefits. In all cases, however, CHAMPVA shall be secondary payer to Medicare, and all claims must be processed first by Medicare according to normal double coverage procedures. The Veterans Administration is responsible for determining eligibility under this provision, and contractors need to process the claims according to the eligibility determinations made by the VA.

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