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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-60

Date: April 16, 1991

Division: Medical Assistance

TO: Local District Commissioners

SUBJECT: Disclosure of Information to the U.S. Department of Veterans' Affairs

ATTACHMENTS: None

This memorandum advises you that the U.S. Department of Veterans' Affairs may be contacting your office to ascertain whether certain institutionalized veterans are in receipt of Medical Assistance. This information should not be released without the consent of the affected person or the authorized representative.

Section 8003 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, provides for a reduction in veterans' pension benefits for a veteran who does not have a spouse or dependents if that veteran is receiving Medical Assistance in a nursing facility. (Additional information in the form of an Informational Letter will be sent shortly to further explain this provision.) The Department of Veterans' Affairs needs to identify affected persons and is likely to contact your agency or nursing facilities to inquire whether certain veterans are receiving Medical Assistance. In accordance with 42 USC 1396a (a)(7), Section 369(3) of the Social Services Law and Part 357 of Department Regulations, this information should not be released without the written consent of the affected person. Since the Department of Veterans' Affairs will use the information for their program purposes, not Medical Assistance purposes, you may request that they obtain all the necessary written releases.

Jo-Ann A. Costantino
Deputy Commissioner
Division of Medical Assistance