



Fighting Pension Poaching Scams Against Elder Veterans in San Francisco



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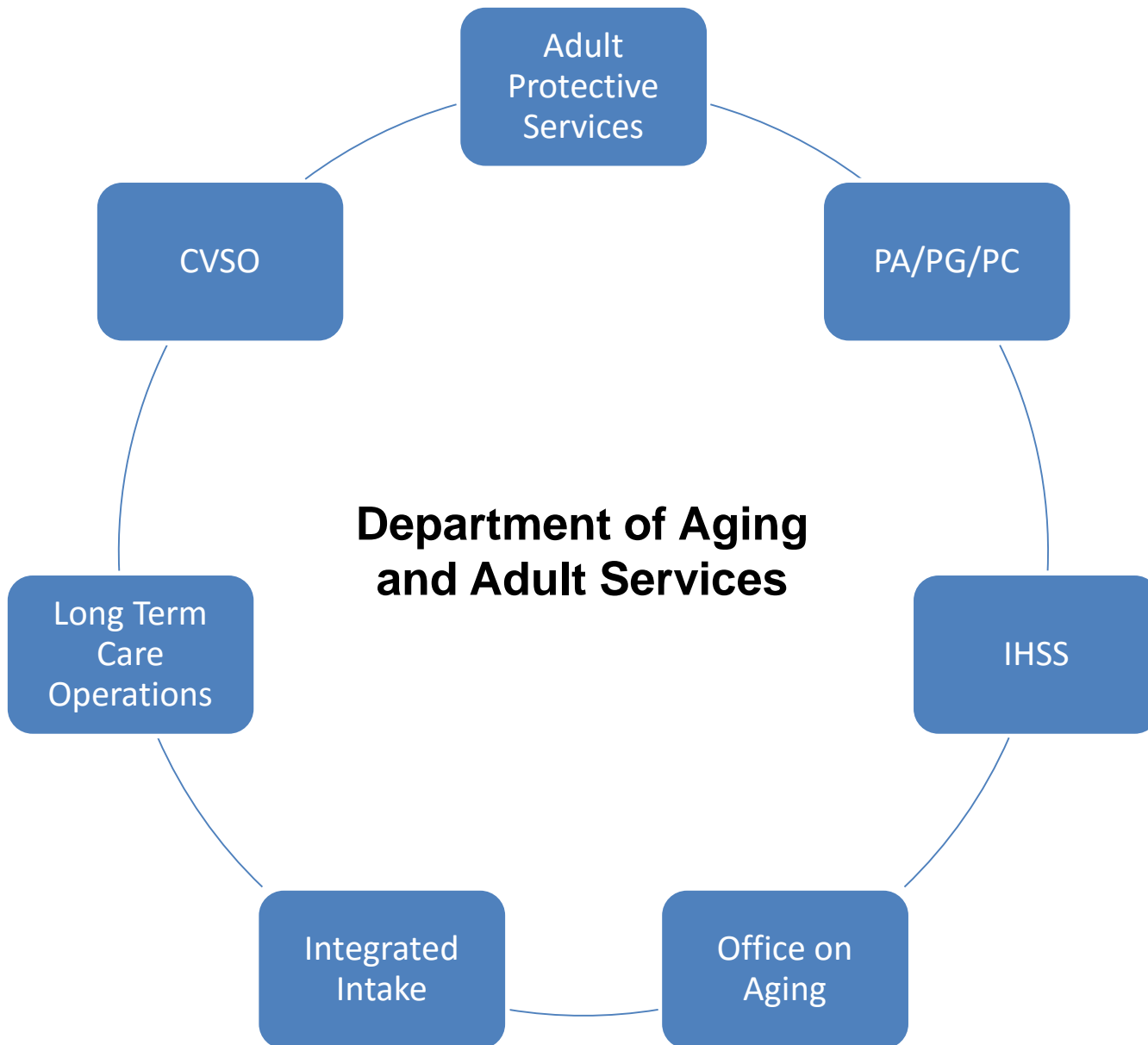
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Department
of Aging and
Adult Services

Institute on
Aging

Elder Abuse
Prevention
Program



Forensic Center

Mandated Reporter Training

Family Violence Council

Stakeholder Coordination

Outreach and Prevention

Veterans Aid and Attendance



Veterans Aid and Attendance



Is not a scam!

Veterans Aid and Attendance Scams (aka “Pension Poaching”)



Tired of Declining Seminar Attendance?

Little-Known Veterans Benefit Rule Attracts
Prospects with **\$350,000 in Assets** –
and Your Seminar is **100% PAID FOR!**

Veterans have **\$350,000** in Assets on average*

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The Origin Story

Veterans Aid and Attendance Scam (aka “Pension Poaching”)



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- Veterans benefits “experts” promise to qualify elders for the Aid and Attendance benefit.
 - These “experts” may or may not be insurance agents, and they often self-identify as volunteers or retired County Veterans Service Officers.
 - VA accredited attorneys → assets into irrevocable trusts
 - Veterans benefits “experts” → hard-earned money into annuities
- By putting assets into annuities or irrevocable trusts (and sometimes both), the seniors are tying up money they may need down the road for care.
- Also, the elder may not be able to qualify for Medicaid.

WHY are veterans targeted?
HOW are they targeted?



Latest trends...



Loans

Home care

Hospice

Latest trends...



Latest & Greatest in California Senior Veteran Protections

SB 272 (Corbett): Military Endorsements / Advertising (2014)

Expands deceptive advertising prohibitions in SB 1170 to include seals, emblems and insignias that would imply a federal, state or local government connection.

SB 1184 (Corbett): Veterans Benefits / Senior Insurance (2013)

Prohibits insurance agents from assisting senior veterans in obtaining government benefits unless there is no direct financial benefit to the agent.

SB 1170 (Leno): Veterans Benefits / Advertising (2013)

Prohibits deceptive marketing and sales practices associated with those who assist veterans in obtaining government benefits. Prohibits use of words or symbols in advertisements that would imply sponsorship or endorsement by a veterans organization or Department of Veterans Affairs. **ALSO** prohibits delivery of legal trusts by insurance agents.

Veterans Aid and Attendance Qualification Changes on the Horizon



Veterans Pension Protection Act of 2013

Additional Federal Legislation



Veterans **Care** Protection Act of 2016

Proposed Veterans Affairs Department Rule Changes



1) 36 month look back

2) 10 year penalty

ENTER... The San Francisco Veterans Benefits Protection Program!



- Coalition to educate elders about veterans benefits scams, including how to avoid them
- Direct elders who have already been scammed to legal and/or regulatory resources
- Connect elders who wish to apply for the Veterans Aid and Attendance benefit to the local County Veterans Service Office (CVSO)

Key Stakeholders



- Institute on Aging
- San Francisco Department of Aging and Adult Services
- San Francisco County Veterans Service Office
- California Advocates for Nursing Home Reform
- California Department of Insurance
- California Attorney General's Office

Veterans Aid and Attendance Benefit—Pension Poaching

How it should work:

- Client becomes aware of benefits
- Contacts and works directly with Veterans Affairs or County Veterans Service Office (CVSO) to review qualifications

- CVSO assists with filling in all forms and application submission

- VA approves benefit
- Veteran receives benefit

For help, contact the County Veterans Service Office:
San Francisco: (415)934-4200
Nationally: (800)807-5799

For more information or feedback, call the Institute on Aging's Elder Abuse Prevention Program: (415) 750-4187 or go to California Advocates for Nursing Home Reform (CANHR) at <http://www.canhr.org/>

ELIGIBILITY
OUTREACH

APPLY

RECEIVE
BENEFIT

FRAUD
DETECTION

TAKE
ACTION

The scam:

- Scammer does direct mail, phone calls, or seminars to veterans
- Client becomes aware of benefits
- Scammer establishes credibility

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- Scammer has veteran reallocate assets to prepare for application
- Client is assisted with application process

- VA approves benefit
- Veteran receives benefit

- Veteran cannot access the reallocated assets
- VA Audit
- Veteran ineligible for other government benefits

- Report scammers and file complaints to:
 - CDI: (800) 927-4357; <http://www.insurance.ca.gov/01-consumers/101-help/>
 - AG: <https://oag.ca.gov/consumers>

Who are the scammers:

- ⇒ "Non Profit Volunteer"
- ⇒ "VA Attorney"
- ⇒ Sales representatives at Senior Center & Assisted Living Facility

- ⇒ Irrevocable trusts
- ⇒ Deferred or Immediate Annuity
- ⇒ Gifting

- ⇒ Scammers move on to their next victims

- ⇒ Incident occurs that family needs money
- ⇒ Family suspicious of transactions
- ⇒ Interferes with other government benefits

- ⇒ Call Adult Protective Services (APS) or Ombudsman
- ⇒ Dept. of Insurance (CDI)
- ⇒ Attorney General (AG)

Everybody: Are you saying the Veterans
Aid and Attendance benefit is a scam?

Veterans Services



Honoring Those Who Served

Application

Education and
Training

Do you know
your CVSO?

Stakeholder
Engagement

Developing a
Local
Procedure

QUESTIONS?



Keep in
touch

THANK YOU!



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