



Department of Defense INSTRUCTION

NUMBER 1341.12

August 31, 2011

Incorporating Change 1, May 24, 2012

USD(P&R)

SUBJECT: Special Compensation for Assistance With Activities of Daily Living (SCAADL)

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Establishes policy, assigns responsibilities, and provides instructions in accordance with the authority in DoD Directive 5124.02 (Reference (a)).

b. Implements the statutory authority for payment of SCAADL to eligible members, pursuant to section 439 of title 37, United States Code (U.S.C.) (Reference (b)).

2. APPLICABILITY. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that SCAADL shall be paid to an eligible member of the Active or Reserve Component of the Military Services who has a permanent catastrophic injury or illness that was incurred or aggravated in the line of duty (see Glossary). SCAADL is authorized compensation to the Service member that offsets the economic burden borne by a primary caregiver providing non-medical care, support, and assistance for the member.

a. Service members who have a catastrophic injury or illness incurred or aggravated in the line of duty and meet the criteria in Enclosure 3 shall be authorized payment of SCAADL.

b. In accordance with Reference (b), the amount of monthly compensation will be determined in accordance with section 1720G(a)(3) of title 38, U.S.C. (Reference (c)) based upon the amount and degree of personal care services provided.

c. SCAADL may be paid in addition to any other pay and allowance to which the Service member is entitled or authorized. While receiving SCAADL, the Service member's primary caregiver is eligible to receive the respite benefit if qualified under the TRICARE Operations Manual 6010.51M (Reference (d)). Service members receiving other home health services under the TRICARE home health benefit remain eligible for SCAADL, except as provided in subparagraph 4.e(2).

d. Service members may not designate another military member as their primary caregiver for the purpose of receiving SCAADL.

e. SCAADL may not be paid to a qualified member if any other Federal agency is providing outpatient or in-home services to assist with activities of daily living (ADL) or supervision to avoid harm to self or others.

(1) SCAADL may not be paid to a qualified member if the member's primary caregiver is receiving a monthly caregiver stipend from the Department of Veterans Affairs (VA) under section 1114(r)(2) of Reference (c).

(2) Service members who qualify for and accept in-home assistance with ADL (custodial care) paid with supplemental health care program funds and provided by a TRICARE-authorized home health agency are not eligible for SCAADL.

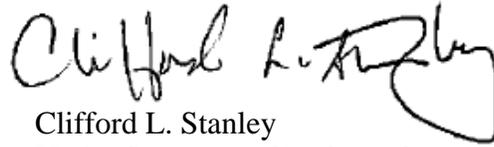
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. INFORMATION *COLLECTION* REQUIREMENTS. The "start and stop payment dates" referred to in paragraph 3.d. of Enclosure 2 is exempt from licensing requirements in accordance with paragraph C4.4.2 of DoD 8910.01-M (Reference (e)).

8. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

9. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Clifford L. Stanley
Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) Section 439 of title 37, United States Code
- (c) Sections 1114(r)(2) and 1720G(a)(3) of title 38, United States Code
- (d) TRICARE Operations Manual 6010.51-M, Chapter 18, Section 3, August 1, 2002
- (e) DoD 8910.1-M, “DoD Procedures for Management of Information Requirements,” June 30, 1998
- (f) Part 199.2(b) of title 32, Code of Federal Regulations
- (g) Chapter 61 of title 10, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) shall:

a. Establish policy and procedures for managing and administering the SCAADL program in the Department of Defense in coordination with the VA Under Secretary for Benefits.

b. Coordinate with the Assistant Secretary of Defense for Public Affairs (ASD(PA)) to develop standard public affairs guidance to assist the Services in publicizing SCAADL implementation.

2. ASD(PA). The ASD(PA) shall develop standard public affairs guidance to assist the Services in publicizing SCAADL implementation.

3. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. Establish procedures to inform catastrophically wounded, ill, or injured Service members (or their guardians) of their eligibility for special compensation.

b. Require a licensed DoD or VA physician to certify that the Service member needs assistance from another person to perform the personal functions required in everyday living or requires constant supervision and in the absence of the provision of such care would require hospitalization, nursing home, or other residential institutional care.

c. Establish procedures to ensure periodic recertification by a DoD or VA physician and perform all other eligibility determinations required by DD Form 2948, "Special Compensation for Assistance with Activities of Daily Living (SCAADL) Eligibility," *located at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>*.

d. Inform Defense Finance and Accounting Service of the effective start and stop date of payments.

ENCLOSURE 3

PROCEDURES

1. SCAADL PROGRAM. The provisions of this Instruction apply only to those Service members with qualifying injuries or illnesses who meet the criteria in section 2 of this enclosure upon or after the implementation date of this Instruction. The policy is not retroactive and this program is voluntary for members.

a. Scope. Covered Service members eligible for this program must have incurred or aggravated a catastrophic illness or injury as defined in this Instruction. Application of the catastrophic injury or illness definition, as stated in the Glossary, requires qualified health care professionals to make their best clinical judgment based on the medical evidence available as to whether “personal or mechanical assistance” will be required.

b. Intent. The purpose of SCAADL is to assist catastrophically injured or ill Service members who require regular aid and attendance after hospitalization as a result of injuries or illnesses sustained or aggravated in the line of duty. The special monthly compensation is intended to be used to compensate designated caregivers for the dedicated time and assistance they provide to catastrophically injured or ill Service members. SCAADL is considered taxable income.

2. CRITERIA. To be eligible to receive SCAADL, a Service member must:

~~a. Be homebound.~~

~~ba.~~ Be certified by a licensed DoD or VA physician to have a permanent catastrophic injury and need assistance from another person to perform the personal functions required in everyday living or require constant supervision *and that in -* ~~the~~ absence of such assistance would require hospitalization, nursing home care, or other institutional care.

~~eb.~~ Be an outpatient and no longer determined to be an inpatient at a military treatment facility, VA medical center, civilian hospital, nursing home, or other residential institutional care. Although individuals may be temporarily placed in an inpatient status during the month for tests, examinations, or treatment, they remain eligible for the full monthly SCAADL payment provided they are in outpatient status the majority of the month (i.e., more than 15 days a month).

~~ec.~~ Have a designated primary caregiver who provides assistance with at least one of the following ADL due to the Service member's:

(1) Inability to dress or undress him or herself.

(2) Inability to bathe or groom in order to keep self clean and presentable.

(3) Frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid (this will not include the adjustment of appliances which normal persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.).

(4) Inability to toilet or attend to toileting without assistance.

(5) Inability to feed him or herself through loss of coordination of upper extremities or through extreme weakness or inability to swallow.

(6) Incapacity, physical or mental, which requires care or assistance on a regular basis to protect the Service member from hazards or dangers incident to his or her daily environment.

ed. In addition to meeting at least one of the criteria in subparagraphs 2.d.(1) through (6) of this enclosure, the Service member must:

(1) Require continual medical management or be at high risk for personal safety and cannot live independently in the community without caregiver support.

(2) Without caregiver support providing personal care services at home in an ongoing manner, require hospitalization, nursing home, or other *residential* institutional care.

(3) Not be provided concurrent services by another entity.

3. STEPS

a. Identification and Designation. Military medical authorities, the Federal Recovery Care Coordinator, treating physicians, medical or non-medical case managers collaborate in identifying Service members who may be qualified for SCAADL. The determination that a Service member is catastrophically disabled shall be made by a licensed DoD or VA physician.

b. Counseling. The Military Service Secretary concerned will establish procedures to ensure eligible Service members designated as having a catastrophic condition, along with the members' guardians or designated representatives and families, are thoroughly counseled and advised on the SCAADL program. Counseling will cover:

(1) The Service member's eligibility for SCAADL.

(2) The requirement to designate a primary caregiver to provide non-medical care, support, and assistance for the member.

(3) The duration of SCAADL eligibility.

(4) The amount of monthly compensation stated in the DD Form 2948 as determined by the criteria in section 4 of this enclosure.

4. DETERMINATION OF COMPENSATION

a. As provided in section 5, the compensation amount is based on the monthly amount a commercial home health care entity would generally pay an individual in the geographic area of the eligible Service member to provide equivalent personal care services.

b. If personal care services are provided in an area where commercial home health services are not available, then areas with similar costs of living shall be used to determine the amount of monthly compensation.

c. Entitlement to SCAADL does not arise until the member satisfies all eligibility requirements. If the member meets all eligibility requirements stated in section 2 of this enclosure, the effective date of entitlement of SCAADL will be the date a licensed physician certifies the member meets the eligibility criteria for special compensation. A member of a Military Service who is entitled to SCAADL under this Instruction for a continuous period of less than one month is entitled to SCAADL for each day of that period at the rate of 1/30 of the monthly amount of SCAADL. The thirty-first day of a calendar month may not be excluded from a computation under this section.

d. Service members who meet the criteria for payment of special compensation under this Instruction, consistent with section 439 of Reference (b), shall have the qualifying payments continue until the earliest date of the following conditions:

(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member; (e.g., March 1, 2011 (separation date) + 90 days = June 1, 2011 (last day of entitlement is June 30, 2011)).

(2) The last day of the month during which the member dies.

(3) The last day of the month during which a physician determines the member is no longer afflicted with the catastrophic injury or illness. A member is not entitled to SCAADL if the member is no longer afflicted with a catastrophic illness or injury but has not met with a physician.

(4) The last day of the month preceding the month during which the member begins receiving compensation under the VA caregiver program under section 1720G of Reference (c).

5. COMPUTING MONTHLY COMPENSATION. The amount of monthly compensation will be based on the United States Department of Labor's Bureau of Labor Statistics (BLS) wage rate for a home health aide. The BLS website (www.bls.gov) provides the geographic average pay rates.

a. The amount of monthly compensation is calculated based on the BLS wage rate for a home health aide using the 75th percentile of the hourly wage rate in the Service member's geographic area of residence. The 75th percentile most accurately reflects the national hourly wage rate for the competencies to be performed. BLS provides annual wage rates and the Military Departments will factor in a cost of living adjustment based on the Consumer Price Index to calculate the current year's hourly wage rate. In the event there is more than one BLS wage rate provided within a specific metropolitan area, the higher rate will be utilized in the computation.

b. The amount of compensation for each Service member will be based on a three-tier system recognizing the variation in complexity of care required by the Service member and provided by the caregiver. The compensation matrix consists of three tiers based upon a clinical determination of the number of ADL needs of the Service member and the hours required by a caregiver to perform each ADL or significant mental health or behavior impairment of the Service member requiring continuous supervision.

(1) Determination of the compensation payment will be made using the Service member's clinical eligibility assessment outcomes from the DD Form 2948 which determines the clinical complexity and associated functional capability as defined by ADLs and required hours of care. Results of the scales are given a numeric value that equates to ADL points to determine the number of hours of care provided each week.

(2) The maximum number of hours of care per week for the high dependence, medium dependence, and low dependence levels will be calculated with the hourly wage for an experienced home health aide to determine the amount of compensation to the Service member.

c. The Service member's primary care manager (PCM) will determine the member's level of dependency based on the degree to which the member is unable to perform one or more activities of daily living or the degree to which the member needs supervision or protection based on symptoms or residuals of neurological or other impairment or injury. Based on the clinical evaluation and score, the member will be rated as follows:

(1) High Tier: Service member who scores 21 or higher will be presumed to need a full-time caregiver who provides 40 hours of personal care services per week.

(2) Medium Tier: Service member who scores 13-20 will be presumed to require 25 hours per week of caregiver assistance.

(3) Low Tier: Service member who scores 1-12 will be presumed to require 10 hours of caregiver assistance per week.

d. Service members or their designated representatives will be given an opportunity to review and, if desired, appeal the PCM's determination to their Service headquarters.

e. If the Service member's condition changes, the Service member is required to undergo a reevaluation to determine the level of dependency and the degree to which the Service member is in need of supervision or protection.

f. The Secretaries of the Military Departments shall:

(1) Establish procedures to review and adjudicate applications and any associated appeals for SCAADL. Reviews should include the PCMs' determinations of eligibility and the clinical evaluation and tier scoring. Decisions on appeals should be supported by additional medical review and opinions.

(2) Perform the administrative processing necessary, using the PCM's tier level determination, as adjudicated, to calculate the monthly compensation payments. The amount of the monthly SCAADL payment is calculated by this three-step process:

(a) Step 1: PCM will determine the maximum number of hours of personal care (tier level) for the Service member.

(b) Step 2: Calculate the amount of monthly compensation by multiplying the number of personal care hours determined in Step 1 against the BLS hourly wage for a home health aide in the geographic region the care was provided.

(c) Step 3: Multiply the results in Step 2 by 4.35, which equals the number of weeks in the month the primary caregiver provided care to the eligible Service member. For example, if an eligible Service member requires 25 hours of personal care services weekly and the 75th percentile of the BLS hourly wage index for a home health aide is \$10.00 per hour, the monthly stipend for the primary caregiver would be \$1,087 a month (25 hours x \$10.00 x 4.35 = \$1,087).

6. SCAADL ELIGIBILITY FORM. The Service member's attending physician will prepare an eligibility form which will be used to determine the amount of compensation. Military Departments shall use DD Form 2948. If the attending physician is not affiliated with DoD or VA, arrangements will be made to have a DoD or VA physician review the case and complete the certification process.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADL	activities of daily living
ASD(PA)	Assistant Secretary of Defense for Public Affairs
BLS	Bureau of Labor Statistics
PCM	primary care manager
SCAADL	special compensation for assistance with activities of daily living
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
VA	Department of Veterans Affairs

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

ADL. Feeds (including special diets), dresses and shelters; personal hygiene services; observation and general monitoring; bowel training or management (unless abnormalities in bowel function are of a severity to result in a need for medical or surgical intervention in the absence of skilled services); safety precautions; general preventive procedures (such as turning to prevent bedsores); passive exercise; transportation; and other such elements of personal care that can reasonably be performed by an untrained adult with minimal instruction or supervision. ADL may also be referred to as “essentials of daily living” as defined in part 199.2(b) of title 32, Code of Federal Regulations (Reference (f)). For the purposes of eligibility for SCAADL, ADL and “personal functions required in everyday living” are the same.

catastrophic injury or illness. A permanent severely disabling injury, disorder, or illness incurred or aggravated in the line of duty that the Secretary of the Military Department concerned determines compromises the ability of the afflicted person to carry out ADL to such a degree that the person requires personal or mechanical assistance to leave home or bed, or constant supervision to avoid physical harm to self or others.

custodial care. Treatment or services, regardless of who recommends such treatment or services or where such treatment or services are provided, that either can be rendered safely and reasonably by a person who is not medically skilled; or is or are designed mainly to help the patient with ADL.

guardian. A person who legally has the care of another person who is incompetent to act for himself or herself.

~~homebound. A condition such that an individual is unable to leave home and, consequently, leaving home requires considerable and taxing effort. Any absence of an individual from the home attributable to receiving health care treatment, including regular absences to participate in rehabilitative, therapeutic, psychosocial, or medical treatment in an adult day care program that is licensed or certified by a State, or accredited to furnish adult day care services in the State, shall not disqualify an individual from being homebound. Any absence from the home that is infrequent or relatively short shall not disqualify an individual. Any absence to attend a religious service shall be deemed to be infrequent or short. Absences from the home for nonmedical purposes such as an occasional trip to the barber, a walk around the block, or a drive, do not negate the beneficiary's homebound status if the absences are infrequent and relatively short. Absences, whether regular or infrequent, from the beneficiary's primary home to attend an educational program in a public or private school that is licensed and certified by a State, territory, or district, shall not negate the beneficiary's homebound status.~~

inpatient. An individual who has been admitted to a hospital or other authorized institution for bed occupancy to receive necessary medical care, with the reasonable expectation the patient will remain in the institution at least 24 hours, and with the registration and assignment of an inpatient number or designation. Institutional care in connection with in and out (ambulatory) surgery is not included, whether or not an inpatient number or designation is made by the hospital or other institution. If the patient has been received at the hospital, but death occurs before the actual admission, an inpatient admission exists as if the patient had been formally admitted.

line of duty. The relationship of an illness, injury, or disease to a member's military duty or duty status that is sufficient to satisfy the duty or duty status component of eligibility for disability retirement under chapter 61 of title 10, U.S.C. (Reference (g)).

outpatient. An individual who uses a health care facility for diagnosis or treatment without being admitted to a hospital or other authorized institution as an inpatient; sometimes called a day patient. Outpatient status also includes in and out surgery (ambulatory surgery).

primary caregiver. An individual who renders to an eligible Service member services to support ADL and specific services essential to the safe management of the beneficiary's condition.