

## **Clearinghouse Rule 09-025**

### **PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS ADOPTING RULES**

#### **1. INTRODUCTORY CLAUSE**

The Wisconsin Department of Veterans Affairs hereby proposes an order to amend VA 2.01 (1) (f) and VA 2.01 (1) (n) and to create VA 2.01 (1) (u) relating to the assistance to needy veterans grant program.

#### **2. RULE SUMMARY**

(a) 1. Statute interpreted: sec. 45.40 (2), Stats.

(a) 2. Statutory authority: sec. 45.40 (3m), Stats.

(a) 3. Explanation of agency authority: The department is charged with administering a grant program to assist needy veterans with health care. It provides eligible applicants with dental, hearing and vision care through private health care providers.

(a) 4. Related statute or rule: There is no related statute or rule.

(a) 5. Plain Language analysis: The amendment of VA 2.01 (1) (f) and VA 2.01 (1) (n) and the creation of VA 2.01 (1) (u) will refine the definition of health care assistance available under this program. The program is intended to provide health care assistance to those veterans who are not eligible for the federal assistance offered to veterans. Current definitions of “dental care” and “hearing care” do not provide sufficient direction for health care professionals in providing necessary services to eligible veterans and no definition exists for “vision care” in the current program. The modification of the definitions of “dental care” and “hearing care”, as well as the creation of a definition for “vision care” will allow veterans to receive a reasonable modicum of the benefits available to those veterans eligible for federal assistance. All three services will have monetary limitations imposed upon the frequency of available services.

(a) 6. Summary of, and comparison with, existing or proposed federal regulations: There is no current or pending federal regulation which would provide health care aid for the eligible veterans under this program.

(a) 7. Comparison with rules in adjacent states: There are no similar rules in adjacent states.

(a) 8. Summary of factual data and analytical methodologies: Surveys of multiple private vendors of dental care services, hearing care services, and vision care

services were undertaken to refine the definition of each service. The United States Department of Veterans Affairs was also contacted to determine what services were offered through that agency and to review costing mechanisms used in the provision of each of the elaborated health care services.

(a) 9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact statement: No analysis was performed regarding an economic impact statement.

(a) 10. Effect on small business: These rules have no effect upon small businesses, nor any significant fiscal impact upon the private sector.

(a) 11. Agency contact person: James A. Stewart, Chief Legal Counsel, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843  
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### 3. TEXT OF RULES

SECTION 1. VA 2.01 (1) (f) is amended to read:

VA 2.01 (1) (f) "Dental care" means ~~any care given to teeth, the supporting natural and artificial structures for teeth, and any replacement or restoration of teeth~~ procedure approved by the Wisconsin Department of Veterans Affairs and determined by a dental health care professional to be directly necessary to the elimination of pain and infection, the restoration of teeth that have a good long term prognosis, and the provision of full or partial dentures to replace missing teeth any and all of which in total may not exceed \$1,500 once every 3 calendar years.

SECTION 2. VA 2.01 (1) (n) is amended to read:

VA 2.01 (1) (n) "Hearing care" means ~~any care related to hearing, including, but not limited to, hearing exams or hearing aids~~ one hearing aid and related examination per ear not to exceed \$1,800 per ear every 4 years. If compelling medical circumstances are identified, in writing, by a licensed audiological health care provider, an additional grant for an additional set of hearing aids and a related examination may be obtained.

SECTION 3. VA 2.01 (1) (u) is created to read:

VA 2.01 (1) (u) "Vision care" means one vision exam per calendar year by a licensed vision care provider plus lens and frame coverage not to exceed one

set of glasses per participant. The cost of vision care may not exceed \$200 per calendar year. Benefits for replacement glasses are provided only if they are prescribed because of a change in refractive error as defined below. Benefits for contact lenses may be provided in lieu of glasses pursuant to a prescription by a optometrist or ophthalmologist based on medical necessity. Coverage of contact lenses (including disposable contact lenses) and including a vision exam is limited to \$300 during any two consecutive calendar years. An additional grant may be approved for an additional visit to a licensed vision care provider and for an additional set of corrective eyewear where an optometrist or ophthalmologist identifies in writing a change in refractive error or other compelling medical circumstances. A change in refractive error means an increase of sphere, cylinder and/or power of at least the following: Sphere Power of + or - .25 diopter; Cylinder Power of + or - .5 diopter; Axis Change of + or - .25 to .75 diopters at 5 degrees, + or - 1 to 2 diopters at 3 degrees or + or - 2.25 or more diopters at 2 degrees.

#### 4. EFFECTIVE DATES:

The amendments and creation of the rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22 (2) (intro.), Stats., and shall apply to all applications received after that effective date.

#### 5. EMERGENCY RULE:

These are not emergency rules.

#### 6. FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules do not have an effect on small businesses.

#### 7. FISCAL ESTIMATES

The fiscal estimates are contained in the attached fiscal estimate statement.

Dated at Madison, Wisconsin, March 19, 2009

STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS

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KENNETH B. BLACK, ACTING SECRETARY