

CERTIFICATE

STATE OF WISCONSIN)
)
DEPARTMENT OF VETERANS AFFAIRS)

I, Raymond G. Boland, Secretary of the Department of Veterans Affairs and custodian of the official records of said department do hereby certify that the annexed rules, relating to various benefits available from the Department of Veterans Affairs were duly approved and adopted by the Board of Veterans Affairs of the Department of Veterans Affairs.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Veterans Affairs at 30 W. Mifflin Street, in the city of Madison, Wisconsin this 18th day of December, 1995.

BY: Raymond G. Boland
RAYMOND G. BOLAND, SECRETARY

ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
AMENDING AND CREATING RULES

The Wisconsin Department of Veterans Affairs proposes an order to amend VA 2.01(1)(d) and (2)(b)13 and 14 and 2.03(2)(f) and (3)(a); and to create VA 2.01(2)(b)15, 16 and 17 and 2.03(1)(f), relating to the health care aid grant and retraining grant programs.

Analysis Prepared by the Department of Veterans Affairs

Statutory Authority: ss. 45.35(3) and 45.397(2)(c), Stats.

Statutes Interpreted: ss. 45.351(1) and 45.397(2)(c), Stats.

The proposed rules relating to the health care aid grant program incorporate several changes recommended by the department's program development plan committee. The amendment to VA 2.01(1)(d) excludes coverage for outpatient medications, thereby permitting the department to pay for more costly health care received by the veteran during the 30 days currently covered by the program. The amendment to VA 2.01(2)(b)13 codifies a shorter period within which contact must be made so that a grant application could be processed in a more timely manner. The amendment also codifies a good cause provision for delayed contact. The amendment to VA 2.01(2)(b)14 will provide the department the flexibility to accept documentation other than itemized bills and represents another attempt to streamline the application process. The creation of VA 2.01(2)(b)15 will permit low income veterans to qualify for the grant without undergoing any further analysis of the availability of income for health care expenses. Finally, the creation of VA 2.01(2)(b)16 and 17 will exempt veterans who obviously do not qualify for a secured economic assistance loan and full time student veterans who may desire to use an economic assistance loan for school expenses from applying for the loan.

With respect to the retraining grant program, the code changes are intended to implement the statutory revision of s.45.397(2)(c), Stats. included in the recently enacted budget bill. The program was extended to underemployed veterans. The proposed definition utilizes the federal poverty guidelines to identify underemployed veterans.

TEXT OF RULE

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

VA 2.01(1)(d) "Health care" means essential medical services, other than medications taken as an outpatient, including but not limited to doctors' services, hospital charges, corrective lenses, prostheses, leasing or purchase of medical appliances and equipment and dental care.

SECTION 2. VA 2.01(2)(b)13 is amended to read:

VA 2.01(2)(b)13. 'Time limits.' When ~~one year has~~ 60 days have passed from the date the application is signed ~~or when 120 days have passed~~ without contact from the applicant, the applicant's dependents, the county veterans service officer, or any other applicant's representative of the applicant, the temporary emergency period shall be deemed to have expired and health care aid may not be provided to pay for the cost of the health care for which the application was made. If contact is made more than 60 days after the date the application is signed, aid may be granted if the applicant shows good cause for the delayed contact.

SECTION 3. VA 2.01(2)(b)14 is amended to read:

VA 2.01(2)(b)14. 'Bills and payments.' Final payment for health care may be made only when the department has received itemized bills, or other acceptable documentation showing the date of service, the service performed, the cost of that service and the explanation of benefits statement, or other acceptable documentation showing the name of the payor, the amount of the payment and the date of service to which the payment refers.

SECTION 4. VA 2.01(2)(b)15 is created to read:

VA 2.01(2)(b)15. 'Low income applicants.' Health care aid may be granted to single applicants whose income is less than \$900 per month or to married applicants whose income, when added to the income of the applicant's spouse, is less than \$1,300 per month. These monthly amounts shall be increased by \$125 per month for each dependent of the applicant residing in the applicant's household. No applicant may be required to contribute to the cost of the health care as a condition of receiving health care aid. The monthly limits shall be adjusted on July 1 of each year by the percentage of the increase in the consumer price index for all urban consumers during the preceding calendar year rounded to the nearest dollar.

SECTION 5. VA 2.01(2)(b)16 is created to read:

VA 2.01(2)(b)16. 'Unsecured economic assistance loan.' An applicant is not required to apply for an unsecured economic assistance loan from the department under s.45.351(2), Stats. as a condition of eligibility for a health care aid grant.

SECTION 6. VA 2.01(2)(b)17 is created to read:

VA 2.01(2)(b)17. 'Full-time undergraduate.' A student who meets the definition of full-time undergraduate at VA 9.01(8) is not required to apply for an economic assistance loan from the department under s.45.351(2), Stats. as a condition of eligibility for a health care aid grant.

SECTION 7. VA2.03(1)(f) is created to read:

VA 2.03(1)(f). "Underemployed" means the status of a veteran whose annual income from employment does not exceed the federal poverty guidelines, as established by the department of health and human services, for the veteran's family size. The department shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

SECTION 8. VA 2.03(2)(f) is amended to read:

VA 2.03(2)(f) Qualifying prior employment. The veteran shall demonstrate a work history of at least 6 consecutive months of employment with one employer or in the same or similar occupations. Loss of that employment or a reduction in earnings may not be caused by the voluntary actions of the veteran.

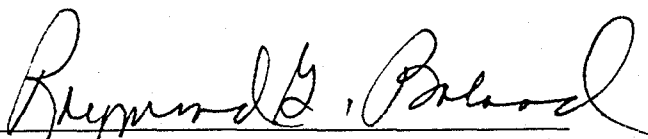
SECTION 9. VA 2.03(3)(a) is amended to read:

VA 2.03(3)(a) Required information. A grant application, including required exhibits and supplements, shall contain information that is necessary to satisfy the department that the applicant has a qualifying need for the grant, has a period of qualifying prior employment, is or will be enrolled in a qualifying course of instruction which will lead to gainful employment and has become unemployed, underemployed or received a notice of termination of employment within the year prior to the date the application is received by the department or has received a retraining grant within 13 months prior to the date the department receives an application for a second grant. Required exhibits and supplements shall include a statement written by the applicant explaining the circumstances leading to the need for retraining and an explanation as to why the applicant feels that the desired retraining will lead to gainful employment. The exhibits and supplements shall also include verification that the applicant has received counseling from an assessment counselor and the counselor approves of the retraining to be undertaken.

This rule 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.

Dated: November 1, 1995

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

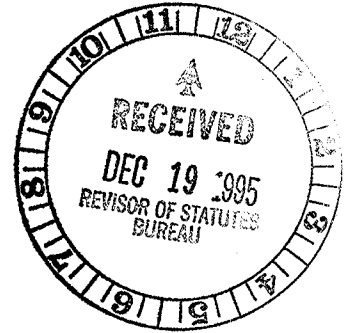
BY: 
RAYMOND G. BOLAND, SECRETARY



STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

30 West Mifflin Street, P. O. Box 7843, Madison, WI 53707-7843
Tommy G. Thompson, Governor
Raymond G. Boland, Secretary

December 18, 1995



Revisor of Statutes Bureau
Gary L. Poulson, Deputy Revisor
131 W. Wilson Street, Suite 800
Madison WI 53703-3233

Re: Publication of Clearinghouse Rule 95-160

Dear Mr. Poulson:

I have enclosed for filing certified and uncertified copies of the rule identified above for publication in the administrative register. I would appreciate publication of the rule in the end of the month register for January 1996.

I have filed a certified copy of the rule with the secretary of state on this date.

Sincerely,

John Rosinski, Chief Legal Counsel
Department of Veterans Affairs

Enclosure