

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

The Wisconsin Department of Veterans Affairs hereby proposes an order to create VA 13.01 (5), 13.02 (2) (e), 13.04 (3), and 13.06, to repeal and recreate VA 13 (title), and to amend VA 13.01 (1), 13.01 (4), 13.02 (2) (intro), and 13.02 (3), relating to the veterans assistance program.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: ss. 45.35 (3) and 45.357 (2), Stats.

Statute interpreted: sec. 45.357, Stats.

The creation of the proposed language will identify the circumstances under which the department may assist a financially needy veteran to allow the veteran to reside at the department's assisted living facilities at the Veterans Homes at King, Union Grove, or Chippewa Falls.

There is no current or pending federal regulation that addresses this initiative. There are no similar rules in adjacent states. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

TEXT OF RULE

SECTION 1. VA 13 (title) is repealed and recreated to read:

VA 13 VETERANS ASSISTANCE PROGRAM.

SECTION 2. VA 13.01 (1) is amended to read:

VA 13.01 (1) “Applicant” means a person who requests assistance under the veterans rehabilitation assistance program by filing a written application with the department.

SECTION 3. VA 13.01 (4) is amended to read:

VA 13.01 (4) “Veterans rehabilitation assistance program” means the program authorized under s. 45.357, Stats.

SECTION 4. VA 13.01 (5) is created to read:

VA 13.01 (5) “Veterans home” means the facilities established by the department at King, Union Grove, or Chippewa Falls.

SECTION 5. VA 13.02 (2) (intro) is amended to read:

VA 13.02 (2) (intro) NEED FOR ASSISTANCE. Assistance shall be provided to a veteran under the veterans rehabilitation assistance program when the veteran’s need for assistance arises because of any of the following circumstances:

SECTION 6. VA 13.02 (2) (e) is created to read:

VA 13.02 (2) (e) Insufficient monthly income and resources, as determined by the department, to pay for the cost of care provided at an assisted living facility established at a veterans home.

SECTION 7. VA 13.02 (3) is amended to read:

VA 13.02 (3) PROVISION OF ASSISTANCE. A veteran who establishes a need for assistance under this section shall enter into a written agreement with the department identifying the assistance that the veteran shall receive and the veteran’s responsibilities under the veterans rehabilitation assistance program. The department may terminate assistance whenever the veteran fails to fulfill his or her responsibilities under the agreement.

SECTION 8. VA 13.04 (3) is created to read:

VA 13.04 (3) Financial assistance to enable a veteran who is eligible for residency at a veterans home and who has insufficient monthly income and resources, as determined by the department, to pay for the difference between the income and resources and the cost of care provided at an assisted living facility established at a veterans home.

SECTION 9. VA 13.06 is created to read:

VA 13.06 **Funding limitation.** The department may not expend more than \$70,000, in any fiscal year, from the appropriation under s. 20.485 (2) (rm), Stats., plus any additional amount appropriated by the legislature for this purpose, for the payment of assistance under s. VA 13.04 (3).

The amendment of the rule 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.

Dated at Madison, Wisconsin, April 18, 2005.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

JOHN A. SCOCOS, SECRETARY