

CR 09-091

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

INTRODUCTORY CLAUSE

The Wisconsin Department of Veterans Affairs adopts an order to create VA 2.01 (1) (u), (v) and (3) (d), (e), (f) and (g) relating to the assistance to needy veterans grant program.

ANAYLISIS PREPARED BY THE DEPARTMENT OF VETERANS AFFAIRS

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

Statutory authority: sec. 45.03(1), Stats. and sec. 45.40 (3m), Stats.

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. The Legislature has granted the agency authority to promulgate "eligibility criteria" which the agency interprets to include both definitions of the eligible care under this program and the amount of funding for each type of eligible care.

Related statute or rule: There is no related statute or rule.

Plain Language analysis: The creation of VA 2.01 (1) (u), VA 2.01(1) (v) and VA 2.01 (3) (d), VA 2.01 (3) (e), VA 2.01 (3) (f), and VA 2.01 (3) (g), will create a definition of "vision care" and establish the limitation 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 an eligibility limitation on the provision of care which health care professionals can provide. No definition or eligibility limitation on services exists for "vision care" in the current program. The creation of eligibility limitations for "dental care" and "hearing care", as well as the creation of a definition and eligibility limitation for "vision care" will allow veterans to receive a reasonable modicum of the benefits available to those veterans eligible for federal assistance. The creation of VA 2.01 (3) (d), VA 2.01 (3) (e), and VA 2.01 (3) (f) will place eligibility limitations upon the cost, provision and frequency of available services.

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.

Comparison with rules in adjacent states: There are no similar rules in adjacent states.

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.

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.

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

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TEXT OF RULES

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

VA 2.01 (1) (u) "Vision care" means a vision exam by a licensed vision care provider and a prescription for lens and frame.

SECTION 2. VA 2.01 (1) (v) is created to read:

VA 2.01 (1) (v) "Change in refractive error" means an increase or decrease of sphere, cylinder 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.

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

VA 2.01 (3) (d) A dental health care professional shall indicate in writing that the dental procedures performed were directly necessary to dental care. Such procedures shall not exceed \$500.00 in any consecutive 12 month period except where a full or partial upper / or a lower denture is required. The grant for such denture or dentures shall not exceed \$1875 for one or \$3,750 for both in any consecutive 48 month period.

SECTION 4. VA 2.01 (3) (e) is created to read:

VA 2.01 (3) (e) Hearing care shall not exceed \$200.00 in any consecutive 12 month period except where a left and / or right ear hearing aid is required. The grant for each hearing aid shall not exceed \$1875 in any consecutive 48 month period. A participant may obtain a grant to fund an additional or more costly hearing aids and a related examination, if a licensed audiological health care professional identifies, in writing, compelling medical circumstances which have required this added assistance.

SECTION 5. VA 2.01 (3) (f) is created to read:

VA 2.01 (3) (f) A grant for vision care shall not exceed \$400.00 in any consecutive 12 month period; however a participant may obtain a grant for replacement glasses before 12 consecutive months have elapsed if the eyewear is prescribed because of a documented change in refractive error.

SECTION 6. VA 2.01 (3) (g) is created to read:

VA 2.01 (3) (g) A participant may obtain a grant for an additional visit to a licensed vision care provider and for a more costly set of corrective eyewear or for an additional set of corrective eyewear where an optometrist or an ophthalmologist identifies in writing a compelling medical circumstance which has required this added assistance.

This 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.

Dated at Madison, Wisconsin, July_____, 2010

KENNETH B. BLACK, Secretary
State of Wisconsin
Department of Veterans Affairs