

CR 90-71

RECEIVED

JUL 31 1990
1:25 PM
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
)
DEPARTMENT OF VETERANS AFFAIRS)

I, John J. Maurer, 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 on May 18, 1990.

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 77 North Dickinson Street, in the city of Madison, Wisconsin this 31st day of July, 1990.

BY: John J. Maurer
JOHN J. MAURER, SECRETARY

RECEIVED

JUL 31 1990

Revisor of Statutes
Bureau

ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
REPEALING, AMENDING AND CREATING RULES

The Wisconsin Department of Veterans Affairs proposes an order to repeal VA6.06(6); to amend VA1.10(7), 2.01(2)(b)2., 4.03(1), 4.03(6)(b) and 6.01(16); to create VA3.03(16) of the Wisconsin Administrative Code relating to various benefits available from the Department of Veterans Affairs.

Analysis Prepared by the Department of Veterans Affairs

Statutory authority: ss. 45.35(3) and 45.73(1), Stats.

Statutes interpreted: ss. 45.351(1)(a) and (2)(a)1., 45.36(5m), 45.365(1)(a), 45.37 and 45.74(2), Stats.

The Rules relating to dental care under the health care aid grant program have been amended to restrict coverage to extractions, fillings, and denture repairs. New dentures may be paid for if the cost of repairing a denture would be greater than the cost of providing a new denture.

The rules relating to the disclosure of loan status information have been amended to permit disclosure to credit reporting agencies, as required by 1989 Wis. Act 31.

The rules relating to the economic assistance loan program have been amended to clarify the department's authority to deny an application if the applicant has a bad credit history. The rules relating to the housing loan program have been amended to delete superfluous language which authorized the denial of a housing loan application on the basis of an unsatisfactory repayment record on a previous department loan and to clarify the circumstances under which an applicant's previous credit history with the department could result in a denial of a department loan.

The rules relating to the operation of the Wisconsin Veterans Home have been amended to clarify the manner in which the charges for care and maintenance are to be calculated. A provision relating to the manner in which employees' costs of meals, living quarters, laundry, and other services has been repealed because s.45.365(1)(a), Stats. defines how those costs must be determined.

TEXT OF RULES

SECTION 1. VA1.10(7) is amended to read:

VA1.10(7) DISCLOSURE OF LOAN INFORMATION. Information contained in loan files, information pertaining to action taken by the department on loan applications, or loan status information may be made available to any party having a security interest in the property securing such loans. ~~upon approval by the secretary or pursuant to rules promulgated by him.~~ Loan status information that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department may be made available to a consumer reporting agency, as defined in 15 USC 1681a(f).

SECTION 2. VA2.01(2)(b)2. is amended to read:

VA2.01(2)(b)2. Dental care. Health care aid for dental care shall ~~include payment for all dental procedures except for routine cleaning, braces and cosmetic procedures~~ be limited to extractions, fillings, and denture repairs, unless related to health care provided as a result of accidental injury. In cases where the cost of a new denture is less than the cost of denture repair, payment for the new denture may be authorized.

SECTION 3. VA3.03(16) is created to read:

VA3.03(16) BAD CREDIT PRACTICES. Applications from applicants who have failed to pay their obligations in a timely manner or have quitclaimed previously owned real estate back to a lender in lieu of foreclosure within the last 5 years shall be denied unless such applications have strong offsetting characteristics.

The department may consider whether the lender did not incur a loss as a result of the quitclaim and whether a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

SECTION 4. VA4.03(1) is amended to read:

VA4.03(1) LOAN REPAYMENT RECORD. The department ~~will~~ may not issue a certificate of eligibility to a veteran or approve a loan to a veteran who is delinquent on a loan from the department. ~~Unless approved by the secretary or approved pursuant to guidelines established by him, an application for a loan or for a certificate of eligibility from a person whose repayment record on a department loan has been unsatisfactory shall be summarily denied on the basis of such record.~~

SECTION 5. VA4.03(6)(b) is amended to read:

VA4.03(6)(b) If an applicant failed to repay a department loan in a timely manner or quitclaimed real estate back to the department in lieu of foreclosure within the last 5 years, the applicant shall be ineligible to receive a second certificate of eligibility, a primary housing loan or a second mortgage housing loan unless the ~~secretary finds that there are mitigating circumstances which warrant approval.~~ applicant can establish strong offsetting characteristics. The department may consider whether the department did not incur a loss as a result of the quitclaim and whether a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

SECTION 6. VA6.01(16) is amended to read:

VA6.01(16) CHARGES FOR CARE AND MAINTENANCE. Charges for care and maintenance made pursuant to s.45.37(16)(b), Stats. shall be computed every March and September for the various categories of care provided by the Home and such computations shall be based upon the average daily costs of care

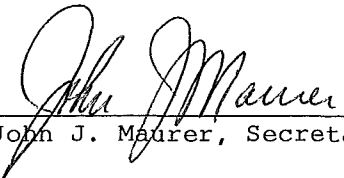
incurred by the Home for the preceding semi-annual period of July through December and January through June respectively. Charges shall be made for actual care and maintenance provided, and such charges shall be based upon the average daily costs of care as established by such computations for the various categories of care provided members during the month for which such charges are made.

SECTION 7. VA6.06(6) is repealed.

This rule shall take effect as provided in s.227.22(2)(intro.), Stats.

Date: July 31, 1990

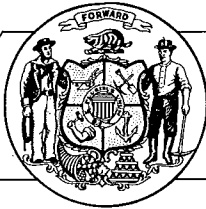
State of Wisconsin
Department of Veterans Affairs

BY: 
John J. Maurer, Secretary

RECEIVED

JUL 31 1990

Revisor of Statutes
Bureau



VETERANS AFFAIRS

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

P.O. Box 7843, 77 N. Dickinson St., Madison, WI 53707-7843
Tommy G. Thompson, Governor
John J. Maurer, Secretary

RECEIVED

JUL 31 1990

Revisor of Statutes
Bureau

July 31, 1990

Gary L. Paulson, Assistant Revisor
Revisor of Statutes Bureau
30 W. Mifflin Street, Suite 702
Madison, WI. 53702

Re: Amendment of various sections of Chapter VA, of the Wisconsin
Administrative Code

Dear Mr. Paulson:

I have enclosed for filing both a certified and an uncertified copy of a rule for publication in the administrative register at the end of September 1990. I have also filed a certified copy of the rule with the secretary of state on this date.

If you have any questions you may contact me at 6-7916.

Sincerely,

John Rosinski, Chief Counsel
Department of Veterans Affairs

JR/mab
Enclosure