

STATEMENT OF SCOPE

Department of Veterans Affairs

Rule No.: VA 2

Relating to: Assistance to Needy Veterans Grant (ANVG) program

Rule Type: Emergency

1. Finding/nature of emergency (Emergency Rule only):

On March 12, 2020, Governor Tony Evers issued Executive Order #72, which proclaims that a public health emergency exists for the State of Wisconsin. As this emergency has a significant impact on Wisconsin veterans and their families, the Department of Veterans Affairs finds that an emergency exists and that the proposed emergency rule is necessary for the immediate preservation of public health, safety, and welfare. Facts constituting the emergency are as follows:

In times of a declared national or public health emergency, amended rule language is needed in order to expand eligibility for financial assistance to veterans who suffer a loss of income. Certain administrative rules relating to the Assistance to Needy Veterans Grant program were temporarily suspended on April 9, 2020, under the Governor's Emergency Order #23. The proposed rules will enable the Department to extend the amendments beyond the expiration of the Governor's emergency authority.

Current rules limit the circumstances in which a veteran may be eligible for subsistence and health care assistance following a recent loss of income due to an illness, injury, or natural disaster. The proposed emergency rules would expand eligibility and remove and/or amend certain application requirements.

2. Detailed description of the objective of the proposed rule:

The department will amend its rules in ch. VA 2, with the objective of expanding eligibility and removing barriers for a veteran to apply for subsistence and health care aid under the ANVG program as specified in s. VA 2.01. Current rules allow the department to provide subsistence and health care aid to veterans based on financial need who have experienced a recent loss of income due to an illness, injury, or natural disaster.

The proposed amendments include the following:

- Amend the definition for "available liquid assets" to exclude cash value of life insurance policies, liquid investments, including stocks and bonds and amounts deposited in any retirement plans.
- Amend the definition for "declaration of aid" to eliminate a requirement for the form to be signed by a county official.
- Amend the definition for "description of benefits" to no longer expire 90 days after the date eligibility has been established.
- Repeal a definition for "economic emergency".
- Amend or repeal certain application requirements and timeframes.
- Amend the timeframe in which a health care provider is required to provide health care.
- Amend the eligibility threshold of 180 percent of the federal poverty guidelines.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Department has identified the need for a review and update of its rules as identified above to ensure the Department is prepared to address emergency situations, including the public health emergency proclaimed in Executive Order #72.

There are no alternative means to address the need for revisions as presented above.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 45.03 (2), Stats., authorizes the Secretary of the Department to promulgate rules necessary to carry out the purposes of Ch. 45 and the powers and duties conferred upon it.

Section 45.40 (3m), Stats., authorizes the Department to promulgate rules establishing eligibility criteria and household income limits for payments under the subsistence and health care aid grant programs.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Veterans and their eligible spouses and family members, health care providers who provide dental, vision, and hearing services to eligible veterans, employers that hire veterans, County Veterans Service Offices, Tribal Veterans Service Offices, and other veteran organizations who assist veterans.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The department anticipates that the proposed rules will have no to minimal economic impact statewide or locally, nor have an effect upon small businesses.

Contact Person:

Mindy Allen, Administrative Rules Coordinator, Office of the Secretary, Department of Veterans Affairs, 608-264-6085, DVAdminRules@dva.wisconsin.gov

Approved for publication:



Mary M. Kolar, Secretary
Department of Veterans Affairs

May 1, 2020

Date Submitted

Approved for implementation:

Mary M. Kolar, Secretary
Department of Veterans Affairs

Date Submitted