

Clearinghouse Rule 20-013

STATE OF WISCONSIN Department of Veterans Affairs

In the matter of rulemaking proceedings before the Department of Veterans Affairs.

PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS CREATING RULES

PROPOSED ORDER

A proposed order of the Department of Veterans Affairs *to create* ch. VA11; relating to the veterans outreach and recovery program.

The scope statement for this rule, SS 104-19, was approved by the Governor on October 3, 2019, published in Register No. 766A1 on October 7, 2019, and approved for implementation by the Secretary of the Department of Veterans Affairs on October 17, 2019.

ANALYSIS

Analysis prepared by the Department of Veterans Affairs.

Statutes interpreted:

Section 45.48, Stats.

Statutory authority:

Section 45.03 (2), Stats.

Explanation of agency authority:

Section 45.03 (2), Stats., provides that the Secretary may promulgate rules necessary to carry out the purposes of Chapter 45 of the Wisconsin Statutes and the powers and duties conferred upon it.

Related statute or rule:

None

Plain language analysis:

The objective of the proposed rule is to create a new rule chapter to be designated as Wisconsin Administrative Code Chapter VA11, *Veterans Outreach and Recovery Program*.

The proposed rule will establish rules for the implementation and administration of the veterans outreach and recovery program.

The goal of the veterans outreach and recovery program is to assist and support veterans who are homeless or at risk of homelessness, have a mental health or substance use disorder, and to assist the veterans with all aspects of daily living with a focus on home, health, recovery, purpose, and community.

The proposed rules define terms and specify application procedures, eligibility requirements, assessment of applicants, terms of assistance provided, and creates other provisions necessary to administer the program.

Summary of, and comparison with, existing or proposed federal regulation:

38 U.S. Code §§ 2021-2023 provides for USDVA officials to develop a coordinated plan for outreach to veterans at risk of homelessness. The outreach plan is required to include strategies to ensure that mentoring programs, recovery support groups, and other support networks are optimally available to veterans to increase access to case management services, employment services, and the appropriate referral sources for mental health and substance abuse services. In developing and carrying out the program, the USDVA is required to consult with public and private organizations for assistance in identifying and contacting veterans who are homeless or at risk of homelessness and to coordinate appropriate outreach activities and services provided by those organizations.

Comparison with rules in adjacent states:

Illinois: Illinois statutes provide appropriations for grant programs to entities for the purpose of establishing mobile assistance units to provide mental health and preventive health screenings and services, crisis intervention, with an emphasis on targeting homeless veterans and other veterans facing obstacles, including those in rural and medically underserved areas. Additional, Illinois statutes also provide for the Illinois Veterans Assistance Fund, which is funded, in part, from revenue from the Illinois veterans scratch-off game for the purpose of funding grants, services, and programs, and projects relating to veterans post-traumatic stress disorder and homelessness.

Iowa: Iowa statutes provide appropriations for the Iowa Veterans Trust Fund to be used for the benefit of veterans and the spouses and dependents of veterans. Moneys may be expended on individual counseling or family counseling programs, rental housing assistance for veterans who meet the definition of homeless or monetary assistance on a one-time basis to be used to prevent homelessness, and expenses related to survivor outreach activities.

Michigan: Michigan statutes provide appropriations for the Michigan Veterans Trust Fund and may be used to provide temporary financial assistance to veterans.

Minnesota: The Minnesota Department of Veterans Affairs administers a subsistence aid program provides temporary financial assistance with certain living expenses for eligible veterans. The Minnesota "Support Our Troops" account was established in the special revenue fund and may be used for outreach to underserved veterans and to provide services and programs for veterans and their families.

Summary of factual data and analytical methodologies:

The Wisconsin Department of Veterans Affairs designed the Veterans Outreach and Recovery Program (VORP) to connect veterans to community services and provide case management and support, with a focus on treatment and recovery.

In 2014, the DVA, partnered with the Department of Health Services to develop the initial veterans outreach and recovery program that covered 49 counties in Wisconsin using two one-time federal grants. The federal grants expired, resulting in the termination of the program at the end of 2017.

2017 Wisconsin Act 295, enacted on April 16, 2018, made an appropriation and created the Veterans Outreach and Recovery Program as a pilot program, enabling the Department to expand the program to include all 72 counties, open up eligibility, and provided a more stable funding source. The program was coordinated by 2 supervisors and 11 regional veterans outreach and recovery coordinators. The pilot program sunset on July 1, 2019.

2019 Wisconsin Act 9, enacted on July 3, 2019, created s. 45.48, Stats., and provides a permanent appropriation for the program under s. 20.485(2)(qs), requiring the Department to administer a program for the provision of outreach, mental health services, and support to Wisconsin veterans.

Pursuant to ss. 45.03(2m) and 227.14(2)(a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Fiscal Estimate and Economic Impact Analysis:

The department posted the rule on the department's website for 14 days to solicit economic impact comments. The Department received comments from one person, not directly related to the economic impact of the proposed rules.

Effect on small business:

The proposed rules do not affect small business.

Agency Contact:

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Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the contact information listed above no later than the date of the public hearing. The date, time, and place of the public hearing will be published in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. Chapter VA II is created to read:

**Chapter VA II
VETERANS OUTREACH AND RECOVERY PROGRAM**

VA II.01 Purpose. The purpose of this chapter is to establish rules for the implementation and administration of the veterans outreach and recovery program that provides case management, referrals for services, or assistance for all aspects of daily living to eligible veterans who may have a mental health or substance use disorder and reside in this state.

VA II.02 Definitions. In this chapter, the following terms shall have the designated meanings:

(1) “Case management” means an organized process to ensure appropriate treatment, rehabilitation, and support services are available to a program participant in a planned, coordinated, efficient, and effective manner to promote a high quality and cost-effective intervention and outcome.

(2) “Community provider” means a public or private agency that provides one or more services under s. VA II.05.

(3) “Enrolled” means a veteran who has entered into a written agreement to receive assistance in accordance with s. VA II.05.

(4) “Participant” means a veteran who is enrolled in the veterans outreach and recovery program and meets the eligibility requirements under s. VA II.03.

(5) “Veteran” means an individual who meets the requirements of s. 45.48 (1), Stats.

(6) “Veterans outreach and recovery program” means the program authorized under s. 45.48, Stats.

Note: The veterans outreach and recovery program is a comprehensive outreach program serving veterans who benefit from connection with community services and who may need support in navigating service systems with a focus on treatment and recovery support.

VA II.03 Eligibility. (1) VETERAN STATUS AND RESIDENCY. To determine eligibility, the department shall verify a veteran's residency and veteran status during the assessment conducted under s. VA II.04.

(2) NEED FOR ASSISTANCE. Assistance shall be provided to a participant enrolled in the veterans outreach and recovery program when the veteran's need for assistance arises because of any of the following circumstances:

(a) Homelessness or conditions that indicate that the veteran is at risk of becoming homeless.

(b) Substance use issues.

(c) Unemployment or underemployment that significantly limits a veteran's ability to be self-supporting.

(d) Affliction with acute or chronic physical or mental health problems that significantly limits a veteran's ability to be self-supporting.

(e) Insufficient monthly income and resources, as determined by the department, to pay for emergency assistance such as any of the following:

1. Emergency housing.
2. Rental assistance.
3. Transportation.
4. Food.
5. Treatment.
6. Other assistance as approved by the department.

(3) INELIGIBILITY. Veterans who are incarcerated in prison or whose needs exceed the capabilities of the veterans outreach and recovery program are not eligible for enrollment in the program.

(4) PROVISION OF ASSISTANCE. (a) Written agreement. 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 outreach and recovery program.

(b) *Voluntary participation.* Participation is voluntary and may be discontinued at any time without penalty. Refusal to participate will not result in loss of any benefit to which the veteran is otherwise entitled.

(c) *Protection of personal information.* All data and personal information collected will be secure and protected by state and federal confidentiality and privacy rules and regulations.

(d) *Discharge from program.* The department may discharge a participant and terminate assistance whenever any of the following occurs:

1. The participant fails to fulfill the required responsibilities as specified in the agreement between the department and the participant.

2. The department finds that the participant willfully made or caused to be made, false statements relating to the participant's eligibility during the assessment conducted under s. VA 11.04.

3. The department determines that the participant is no longer in need of assistance provided by the program based on a reassessment conducted under s. VA 11.04 (2).

4. A participant voluntarily terminates assistance provided by the veterans outreach and recovery program.

5. A participant is incarcerated in prison.

6. The department determines that the needs of a participant exceed the capabilities of the veterans outreach and recovery program.

7. The department determines that a participant does not meet the eligibility requirements of the veterans outreach and recovery program.

(e) *Duplicate benefits.* Eligibility for assistance is not offset or limited to benefits or services a veteran is entitled to receive under any other program administered by the department.

VA 11.04 Determination. (1) ASSESSMENT. Prior to enrollment in the veterans outreach and recovery program, the veteran shall be assessed to verify residency and veteran status and determine the need for assistance in the following areas:

(a) Medical.

(b) Legal.

(c) Alcohol and other drug abuse.

(d) Mental health.

(e) Vocational.

(f) Housing.

(g) Employment.

(h) Other needs identified by the department.

(2) REASSESSMENT. A department shall conduct reassessment interviews with program participants at intervals established by the department to evaluate progress, monitor compliance, and determine ongoing need, outcomes, and planning.

VA 11.05 Assistance. Upon completion of an assessment conducted under s. VA 11.04 (1) and pursuant to a written agreement between the department and the eligible veteran, any of the following services for assistance or referrals to a community provider for assistance may be provided:

- (1) Claims and benefits assistance.
- (2) Counseling.
- (3) Education.
- (4) Financial assistance.
- (5) Housing and utilities.
- (6) Insurance.
- (7) Job training and placement.
- (8) Mental or behavioral health services.
- (9) Rehabilitation and recovery services.
- (10) Transportation.
- (11) Treatment services.
- (12) Other support services as approved by the department.

VA 11.06 Administration. (1) FUNDING. The department may provide funding to facilitate the provision of services under s. VA 11.05.

(2) STANDARD OPERATING GUIDELINES. (a) *Standard operating guidelines.* The department shall establish written standard operating guidelines for administering the veterans outreach and recovery program.

(b) *Orientation.* The department shall ensure that all individuals involved in the operations of the veterans outreach and recovery program are thoroughly familiar with the requirements and operational procedures of the program.

(c) *Review of program.* The department shall review the standard operating guidelines at least annually and shall update the guidelines on a continuous basis to reflect

current operations. Documentation of the review shall be maintained with the written document.

(3) OUTREACH AND RECOVERY REGIONAL COORDINATORS. The department shall employ regional coordinators to assist with the administration and coordination of the veterans outreach and recovery program.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)
