

Clearinghouse Rule 09-091

PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS ADOPTING RULES

1. INTRODUCTORY CLAUSE

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

2. RULE SUMMARY

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

Statutory authority: 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.

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

Plain Language analysis: The creation of VA 2.01 (1) (u) and VA 2.01 (1) (v) will establish a definition for the vision care assistance available under this program. The creation of VA 2.01 (3) (d), VA 2.01 (3) (e), VA 2.01 (3) (f), and VA 2.01 (3) (g) will establish program limitations for the aid offered through the program. The program is intended to provide health care assistance to those veterans who are not eligible for the federal assistance offered to veterans. The current program rules do not provide program limitations or direction for health care professionals in providing necessary services to eligible veterans. The creation of a definition for "vision care" and the creation of specific program limitations will allow veterans to receive a reasonable modicum of the benefits available to those veterans eligible for federal assistance. All care offered through the program will have monetary and frequency limitations imposed upon the 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 establish the definition of “vision care” and to establish the frequency and monetary limitations 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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3. TEXT OF RULES

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

VA 2.01 (1) (u) “Vision care” means provision of one vision examination by a licensed health care provider and provision of corrective eyewear.

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

VA 2.01 (1) (v) “Change in refractive error” means an increase of sphere, cylinder and/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 must 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 and / or a lower denture is required. The grant for such denture or dentures shall not exceed \$900 for one or \$1,400 for both in any consecutive 60 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 a right hearing aid is required. The grant for each hearing aid shall not exceed \$1,300 in any consecutive 48 month period. A participant may obtain a grant to fund an additional or a more costly hearing aid or set of 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.

4. EFFECTIVE DATES:

The 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.

5. EMERGENCY RULE:

These are not emergency rules.

6. FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules do not have an effect on small businesses.

7. FISCAL ESTIMATES

The fiscal estimates are contained in the attached fiscal estimate statement.

Dated at Madison, Wisconsin, October __, 2009

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

JOHN A. SCOCOS, SECRETARY