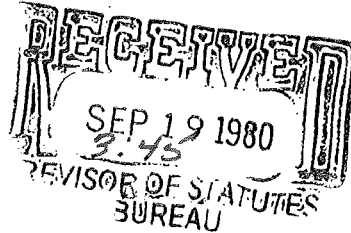


V A I

CERTIFICATE



STATE OF WISCONSIN)
)SS
DEPARTMENT OF VETERANS AFFAIRS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John R. Moses, Secretary of the Department of Veterans Affairs and custodian of the official records of said department do hereby certify that the annexed rules and (amendments and repeals and recreation of rules) relating to rules concerning release of information by the Department of Veterans Affairs, were duly approved and adopted by the Board of Veterans Affairs of the Department of Veterans Affairs on September 19, 1980.

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 seals of the Department of Veterans Affairs at 77 N. Dickinson St., in the city of Madison, this 19th day of September, 1980.

BY: John R. Moses
JOHN R. MOSES, Secretary

Recd. off. 10-1-80

ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
ADOPTING, AMENDING AND REPEALING AND RECREATING RULES

Relating to rules concerning release of information by the Department of Veterans Affairs.

ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS

The proposed rules will clarify and expand present department rules relating to release of information from department files and records. Under the proposed rules the department will be able to confirm the veteran status of a person for the purpose of assisting the person in obtaining benefits, be able to release information on the same basis that is provided in the present code and, in addition, may release information freely to the Legislative Audit Bureau, Legislative Fiscal Bureau or independent auditors with the only provision being that information reported by such bureaus or by independent auditors will not be released in such a manner as to clearly identify specific individuals. Release of information on the status of an application for department benefits or the establishment of eligibility for department benefits is clearly authorized as is release of information and exhibits to authorized lenders involved in the servicing, closing or processing of the direct veterans housing loans involved. Schools participating in the department's grant programs are also included as permissible recipients of information from department files in the proposed rules.

Information not relating to veterans benefits which is requested by agencies entitled thereto, may be released upon receipt of an official written request but the department is obligated to make a reasonable effort to contact the individual concerning whom the request has been made and notify such individual of the request for information within 5 working days after its response to the request.

Other changes in rules relating to release of information are basically of a technical nature.

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Pursuant to authority vested in the Department of Veterans Affairs by s.s. 45.35(3) and 45.36(6) Wis. Stats., the Board of Veterans Affairs of the Department of Veterans Affairs hereby amends, adopts and repeal and recreates rules interpreting Section 45.36, Wis. Stats., as follows:

Sections VA 1.10(1), (3) and (6)(b) of the Wis. Adm. Code are amended to read:

VA 1.10(1) VETERANS ADMINISTRATION RECORDS AND SEPARATION DOCUMENTS. Notwithstanding anything to the contrary contained in Wis. Adm. Code, sections VA 1.10(4) through ~~(10)~~ (14) separation documents and copies thereof evidencing service in the armed forces of the United States and records and papers in the possession of the department or service office which are released to the department or service office by or from the veterans administration or which contain information provided by the veterans administration are confidential. Release of information from such documents, records or papers may be made only as provided in sections 45.36(2) and (3), Wis. Stats. The department may, however, confirm the veteran status of a person where such confirmation will assist the person in obtaining benefits.

(3) RECORDS ARE CONFIDENTIAL. Records pertaining to any application for benefits, whether pending or adjudicated, will be deemed confidential and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in Wis. Adm. Code, sections VA 1.10(4) through ~~(10)~~ (15), and any person making application for benefits shall hereinafter be referred to as the applicant.

VA 1.10(6)(b) TO PHYSICIANS AND HOSPITALS. Information contained in medical records of veterans and beneficiaries pertaining to medical history, diagnosis, findings, or treatment contained in applications for benefits from the department may be disclosed directly to physicians and hospitals upon written request and the submission of a written authorization from the veteran or beneficiary, or, in the event he is incompetent, from his duly authorized representative. This information will be released only with the consent of the patient and on the condition that it is to be treated as a privileged communication. However, such information may be released without the consent of the veteran or his representative when a written request for such information is received from the veterans administration, the United States public health service, the superintendent of a state hospital, a commissioner or head of a state department of mental hygiene, or head of a state, county or city health department.

Section VA 1.10(8) of the Wis. Adm. Code is repealed and recreated to read:

VA 1.10(8) DISCLOSURE TO GOVERNMENTAL AGENCIES AND SCHOOLS. Information contained in department or service office files pertaining to applications for benefits from the department which is required for official use by any agency of the United States government, by any agency of the state of Wisconsin, by any law enforcement or social service agency of any Wisconsin county or municipality, or by any school participating in the department's grants programs, may be furnished in response to official requests in accordance with the provision of pars. (a) to (c). Such requests must include information as to the purpose for which the information is to be used.

(a) Information Relevant to Veterans' Benefits. Information relevant to a determination of the amount of benefits, if any, for which veterans and their eligible dependents may be entitled, information which is requested on their behalf or information which is requested for the purpose of assisting them in obtaining rights and benefits to which they may be entitled may be released in response to official written or oral requests.

(b) Other Information. Information which identifies individual veterans or their dependents, and which is requested for purposes other than those set forth in paragraph (a), may be released only upon receipt of an official written request. Within 5 working days after response to such a written request, the department or service office will make a reasonable effort to contact the individual concerning whom the request has been made and notify the individual of the request for information and provide the individual with a statement of the action taken on such request.

(c) The department may routinely furnish information to other agencies which does not identify individual veterans or dependents.

Sections VA 1.10(9) and (10) Wis. Adm. Code are amended to read:

VA 1.10(9) DISCLOSURE TO MEMBERS OF STATE LEGISLATURE. Individual members of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested ~~for official use~~, orally or in writing, on behalf of the veterans or their dependents or for the purpose of assisting them to obtain the rights and benefits to which they may be entitled. Committees of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested for official use.

(10) DISCLOSURE TO COUNTY VETERANS SERVICE OFFICERS. A county veterans service officer may be permitted to inspect records pertaining to any application for benefits in which ~~his~~ such office may be involved or may be furnished information or exhibits from such an application or the payment status or the payment history pertinent to department loans upon the condition that only such information contained therein or furnished therefrom as may be properly disclosed will be disclosed ~~by him~~ to the applicant only or, if the applicant is incompetent, to ~~his~~ the applicant's legally constituted representative. The department shall inform a county veterans service officer whose office is involved in an application for benefits of information necessary to complete such application and of action taken by the department thereon.

Sections VA 1.10(11) and (12) Wis. Adm. Code are renumbered to VA 1.10(15) and (16) respectively and VA 1.10(16) as renumbered is amended to read:

VA 1.10(16) ADDRESSES OF APPLICANTS. Addresses of applicants for benefits from the department which are contained in department or service office records will not be furnished, except as provided in Wis. Adm. Code, sections VA 1.10(5) through ~~(10)~~ (15). When an address is requested by a person to whom it may not be furnished, the person making the written request will be informed that correspondence enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon and bearing sufficient postage to cover mailing costs, will be forwarded by the department or service office to such addressee's last known address. At the time the correspondence is forwarded, the return address of only the department or service office will be placed on the envelope. If ~~undelivered mail~~ such forwarded mail is returned to the department or service office as not deliverable, the original sender will be notified thereof, but the envelope will be retained by the department or service office. In no case will letters be forwarded for the purposes of debt collection, canvassing, or harassment. This section shall not apply to the furnishing of addresses by service officers to the department or vice versa.

Sections VA 1.10(11), (12) and (13) of the Wis. Adm. Code are created to read:

VA 1.10(11) DISCLOSURE TO AUDITORS. Department records and files shall be made available for inspection by, and information contained in department files shall be made available to, the Legislative Audit Bureau or the Legislative Fiscal Bureau in accordance with ss. 13.94(1) to (4) and 13.95(1) and (2), Stats., or to independent auditors only for statistical or audit reporting purposes upon the condition that information reported by such auditors or bureaus will not identify any specific individual by name or be reported in such manner as to clearly identify a specific individual.

(12) Application Status Information. Information on the status of an application for a department benefit, or for the establishment of eligibility for a department benefit, may be released to a party having an interest in the veteran or dependent obtaining the benefit applied for or establishing eligibility to apply for a specific department benefit, or to a person who is calling on behalf of an applicant for a department benefit.

(13) Release of Information to Authorized Lenders. All information and exhibits in the possession of the department pertaining to direct housing loan applications or direct housing loans may be released to authorized lenders servicing, closing or processing the applications or loans involved.

The statutory provision relating to the rules is Section 45.36, Stats. The rules, amendments and repeals and recreations contained in this order shall take effect as provided in Section 227.026(1)(intro.), Wis. Stats.

Dated: September 19, 1980

STATE OF WISCONSIN,
DEPARTMENT OF VETERANS AFFAIRS

BY: Italo Bensoni
Italo Bensoni, Chairman
Board of Veterans Affairs