

Chapter VA 2**EMERGENCY AND CORRESPONDENCE AND
PART TIME STUDY GRANTS**

- VA 2.01 Emergency grants
VA 2.02 Educational grants for correspondence courses and part-time classroom study

Note: Chapter VA 2 as it existed on December 31, 1979 was repealed and a new chapter VA 2 was created effective January 1, 1980. Chapter VA 2 as it existed on April 30, 1986 was repealed and a new chapter VA 2 was created effective May 1, 1986.

VA 2.01 Emergency grants. (1) DEFINITIONS. (a) "Available liquid assets" means cash on hand, including cash in checking or savings accounts, liquid investments, including stocks and bonds and amounts deposited in IRA or Keogh plans, owned by the applicant's dependents either individually or jointly with the applicant, or owned individually and jointly by the applicant and the applicant's spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce as established by the criteria set forth in s. VA 1.12 (4), but does not include the cash surrender value of life insurance policies.

(b) "Emergency aid" means temporary emergency aid in the form of health care aid or subsistence aid.

(c) "Emergency health care" means health care provided where the need for essential medical services was sudden and urgent enough to be considered an emergency by a physician and any health care provided a student veteran or a student veteran's dependents.

(d) "Health care" means essential medical services including but not limited to physician services, hospital charges, eye glasses, prostheses, leasing or purchase of medical appliances and equipment and dental care.

(e) "Health care aid" means payment by the department for health care.

(f) "Nonemergency health care" means health care other than emergency health care.

(g) "Subsistence" means essential living expenses including rent or mortgage payments on the veteran's or veteran's dependent's residential living quarters, food, clothing, medical insurance premiums, prescribed medications, essential travel, moving expenses, household utilities expenses including heat, electricity, gas and telephone, and, in exceptional cases, such other items relating to emergency aid as the department may deem necessary.

(h) "Subsistence aid" means payment by the department for subsistence.

(i) "VA" means the federal veterans administration.

(j) "Want and distress" means the condition which exists when an applicant for emergency aid has insufficient available liquid assets and resources to cover the cost of health care or subsistence, is ineligible for sufficient aid under federal, state or other assistance programs (except for direct general relief), and has insufficient income to repay a loan from the department or a conventional lender which could be used to provide necessary health care or subsistence.

(2) LIMITATIONS. (a) *All emergency aid*. 1. Available liquid assets. Applicants and their dependents shall apply all medical insurance benefits and all available liquid assets toward the cost of their health care or subsistence before the department may approve emergency aid.

2. Evidence required. Emergency aid may be granted only if the department has sufficient evidence in its files upon which to base a determination that the applicant qualifies for such aid and, when deemed necessary, the department may conduct a direct investigation prior to acting upon an application for emergency aid.

3. Duplication of assistance. If assistance is available from other agencies, emergency aid may be approved only as a supplement to this assistance and may never be used to duplicate this assistance. Assistance from other agencies (excepting only general relief) must be applied for if it is available.

4. Delinquent loans. Emergency aid may not be used to repay a department loan from the veterans trust fund in whole or in part but a delinquent department loan shall not bar emergency aid from the department.

(b) *Health care aid*. 1. Maternity care. Except for applications involving recently separated veterans not covered by civilian health and medical program — uniformed services or civilian health and medical program — veterans administration who were unable to qualify for maternity insurance coverage and students who might be forced to drop out of school unless health care aid is provided, health care aid for expenses of maternity care may be granted only for that portion of the expenses of maternity due to a medical emergency.

2. Dental care. Health care aid for dental care shall 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.

3. Alcohol and other drugs. Health care aid may not be authorized to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse.

4. Out-of-state health care. Emergency health care received outside the boundaries of the state of Wisconsin and nonemergency health care received in a state bordering Wisconsin shall be treated the same as health care received in this state. Health Care Aid for other nonemergency out-of-state health care may be approved only if the secretary determines that appropriate health care is not available in this state.

5. Loans. Health care aid may not be granted to pay loans incurred by applicants to pay for health care.

6. Available agencies. Health care and payment for health care shall be obtained from federal, state, county or local agencies if possible for the veteran or the veteran's dependent for whom health care aid is requested.

7. Transfer to VA hospital. Veterans shall be transferred to a VA hospital when transfer is medically feasible. If this transfer is not made, only that portion of health care expenses incurred prior to the date on which transfer could have been made will be eligible for payment.

8. Available aid. Aid available from other agencies and programs shall be applied for and used for payment of health care expenses. Health care aid may not exceed the difference between the cost of health care and the amount of the available aid.

9. Prior authorization. Health care aid may only be granted for non-emergency health care in cases where the department has given prior authorization.

10. Emergency health care application deadline. Subject to the provisions of subd. 13, health care aid may be granted for health care received during the period beginning 120 days prior to actual receipt by the department of an application for health care aid for health care that has been or is being received for an emergency condition.

11. Medical equipment. Major medical equipment and appliances required for rehabilitation, to continue employment, or to maintain life may be provided for use as long as medically necessary provided that health care aid expenses for the rental of the equipment and appliances and for other health care for the condition or conditions requiring the rental of the equipment and appliances does not exceed the maximum in s. 45.351 (1) (a), Stats.

12. Major surgery. Health care aid for major surgery to a veteran, such as open heart surgery or kidney transplant, may not be authorized when the attending physician determines that surgery does not constitute a medical emergency and when the veteran fails to seek such surgery at a VA hospital.

13. Time limits. When one year has passed without contact with the applicant, the applicant's dependents, the county veterans service officer, or other representative, the temporary emergency period shall be deemed to have expired and health care aid may not be provided to pay for the cost of the health care for which application was made. The department may provide health care aid only if an application for health care aid is received by the department within 2 years of the date notice of emergency health care was received by the department, provided that notice is received by the department prior to the effective date of this subd.

14. Itemized bills. Final payment for health care bills may be made only when the department has received itemized statements showing adjustments for payments received from insurance, medicaid, medicare, and all other available sources.

(c) *Subsistence aid.* 1. Loss of income. Subsistence aid may be provided only when illness or disability, including alcoholism or drug addiction, causing loss of income, results in want or distress or, even though there is no loss of income, during periods while veterans are being treated in a VA

hospital for post-traumatic stress disorder, or are being treated for this disorder on a regular outpatient basis at a VA hospital or at a clinic or counseling center under contract with the VA. Subsistence aid may also be provided even though there is no loss of income as a solution to the temporary problems of students where necessary to enable them to pursue their courses of education or training without interruption and to veterans who require subsistence aid as a result of a disaster, such as severe damage to or destruction of their homes by fire or tornado.

2. Anticipated duration of disability. When there is evidence that the disability which causes want or distress may continue beyond 90 days, applicants will be directed to apply for other governmental assistance including direct general relief.

3. Non-qualifying items. Subsistence aid may not be granted for the purchase of or payment for luxury or convenience items or for the payment of loans or credit purchases or existing debts except for debts which were incurred to pay essential living expenses during the period of incapacitation for which the applicant seeks subsistence aid, or for the purchase of or payment for luxury or convenience items.

4. Motor vehicle expenses. Subsistence aid for the payment of motor vehicle expenses, including fuel, repairs, and monthly motor vehicle payments, if necessary to prevent repossession, may be provided only when use of the motor vehicle is required for medical care, spouse's employment, transportation of children to school or day care, or in other situations where the department determines that the use of the motor vehicle is required during the period of incapacitation.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

VA 2.02 Educational grants for correspondence courses and part-time classroom study. Veterans who establish eligibility for reimbursement for the cost of enrollment in part-time classroom study courses or direct correspondence courses under the provisions of this section and s. 45.396, Stats., may be reimbursed in whole or in part for the cost of such courses to the extent authorized under this section and s. 45.396, Stats., subject to the following terms, conditions and limitations:

(1) **LIMITATIONS ON REIMBURSEMENT FOR TUITION FEES AND TEXTBOOKS.** Reimbursement for fees shall be limited to those fees which are mandatory and uniform for the courses in which the veteran is enrolled and which are paid to schools set forth in s. 45.396 (2), Stats. Reimbursement shall not include the cost or value of meals and lodging which may be included in such fees. Reimbursement for tuition shall be limited to tuition paid to schools eligible under the provisions of s. 45.396 (2), Stats. Reimbursement for any course shall not exceed either the cost of tuition, fees, and required textbooks or the per course limit set forth in s. 45.396 (4), Stats., whichever is less.

(2) **FISCAL YEAR LIMIT.** The fiscal year limit in s. 45.396 (4), Stats., shall apply to courses to which the provisions of 1985 Wisconsin Act 29 apply, completed by veterans during fiscal years commencing with the 1985-86 fiscal year from July 1, 1985 to June 30, 1986.

(3) **SUBSTITUTE COURSES.** Reimbursement may be made only if a veteran satisfactorily completes either the course listed on the application, or a substitute course offered by the same school during the same semester. Register, April, 1986, No. 364

ter or other school term, which substitute course otherwise meets the conditions of s. 45.396, Stats.

(4) **DUPLICATION.** A veteran who starts a school term as a full-time student and completes the school term as a part-time student may receive reimbursement under s. 45.396, Stats., for enrolled part-time classroom study courses completed during that school term even though the veteran received a grant under s. 45.28, Stats., for the school term. The amount of reimbursement the veteran is entitled to receive shall be the maximum part-time study reimbursement payable to the veteran for the specific courses completed less the amount of the full-time grant received and retained by the veteran. A veteran who receives reimbursement for part-time classroom study courses completed during the same school term for which the veteran received a full-time grant shall be considered to have received reimbursement for part-time classroom study for all purposes and the full-time grant shall be considered null and void.

Note: The language in sub. (4) applies to courses which applicants enroll on or after July 1, 1986.

(5) **DEGREE LIMITATION.** For the purposes of s. 45.396 (5), Stats., an L.L.B. degree shall be deemed to be the equivalent of a master's degree.

(6) **NOTICE OF COMPLETION.** The veteran may be reimbursed for the cost of tuition, fees, and required textbooks to the extent authorized, only upon receipt by the department of a certificate of satisfactory completion signed by the approved school's veterans coordinator listing the official satisfactory completion date and costs of tuition, fees, and required textbooks, and only if an application for reimbursement is received by the department no later than 60 days after the termination of a course.

(7) **REIMBURSEMENT FROM OTHER SOURCES.** Subject to the other provisions of this section, a veteran may be reimbursed to the extent that payment or reimbursement specifically for tuition, fees, and required textbooks is not available from any other source, or in cases where reimbursement or payment from another source is not specifically for tuition, fees, and required textbooks, reimbursement from the department may be made to the extent that reimbursement or payment from another source is insufficient to cover all other costs incurred in connection with the veteran's educational program including, but not limited to, the costs of food, housing, utilities, transportation, and medical or dental treatment.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.