

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Crime Victims' Compensation Commission
Rule No. 262-x-4-.07
Rule Title: Mental Health Benefits
_____ New Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.
Date 7.9.2020

(DATE FILED)
(STAMP)

REC'D & FILED

JUL 9 2020

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-x-4-.07 Mental Health Benefits.

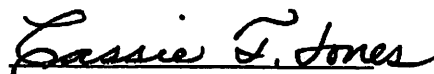
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to remove the exigent circumstances provision and the additional payment for mental health services that it allowed.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267, or oral comments at 334.290.4420.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments shall be received until the close of record at 5:00 p.m. on September 4, 2020. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Martin, General Counsel, Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267.


Cassie T. Jones, Ed.D.
Executive Director

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. _____ Department or Agency Crime Victims' Compensation Commission

Rule No: 262-x-4-.07

Rule Title: Mental Health Benefits.

_____ New Amend _____ Repeal _____ Adopt by Reference

_____ This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The rule is needed because the Crime Victims Fund has been negatively impacted by reduced revenues. The expected benefit is adequate resources for future victims of violent crime.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

It will allow the Commission to ensure that funds remain available to provide crime victims' compensation benefits in the future.

3. EFFECT OF THIS RULE ON COMPETITION:

No effect.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

No effect.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

No effect on employment is foreseen.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Court-ordered fines, fees and restitution. Federal grant money will also be used. No general fund money will be used in the implementation of this rule.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

In the short-term, this rule will reduce compensation benefits available to victims of violent crime. In the long-term, it will ensure that funds are available for future victims of violent crime.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No uncertainties are foreseen or anticipated.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

It will ensure that funds will be available to assist victims of violent crime in the future.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

The Crime Victims Fund will be diminished to an unsustainable level without this rule.

****Additional pages may be used if needed.**

262-x-4-.07 Mental Health Benefits.

(1) Qualified Providers

The Commission may provide reimbursement/payment of therapy expenses if the therapy was provided by a psychiatrist, psychologist, professional counselor, or clinical social worker that is licensed by the appropriate governmental licensing body. The clinician must have an active license at the time the therapy was provided in order to qualify for reimbursement/payment of therapy expenses.

(2) Appropriate Treatment

- (a) ACVCC must receive a letter from the clinician certifying that the victim is engaged in necessary therapy due to his/her victimization.
- (b) Quarterly updates from the clinician certifying that the treatment is necessary and the result of victimization must be submitted in order for payment to be considered.
- (c) The clinician must provide an itemized bill for treatment sessions.

(3) Eligibility for Payment. The claimant, victim, and/or the victim's immediate family members may be eligible for mental health benefits.

(4) Cost Containment

(a) Individual Therapy Rates:

\$80.00 per hour- Licensed Counselor/Social Worker;
\$100.00 per hour- Psychologists (Ph.D.);
\$125 per hour- Psychiatrists (M.D.).

(b) Group Therapy Rates: \$ 60.00 per hour.

(c) Reimbursement for therapy expenses shall not exceed \$6,250, or 50 sessions, unless exigent circumstances exist and the maximum allotment for therapy expenses will be expended before the victim/claimant has been adequately assisted on an outpatient basis. Exigent circumstances may include, but are not limited to, homicide survivors, child victims, and victims diagnosed with Post Traumatic Stress Disorder (PTSD) if the Commission determines that an exigent circumstance exists, the maximum award for therapy is \$8,000. Reasonable efforts should be made to inform victims/claimants that therapy services are provided by community mental health centers on a sliding fee scale. Inpatient treatment shall be considered a medical condition for purposes of compensation. When the victim is a minor, the claimant shall be limited to 15 individual therapy sessions, unless the victim is deceased. The 15 individual therapy sessions limit shall not apply to homicide claims.

(d) Supplemental therapy bills may be submitted to ACVCC as accrued, for consideration of payment.

(e) When therapy services have been provided by county mental health centers, ACVCC will only pay what has been charged on a sliding fee scale.

(5) **Criteria for Payment of Therapy Expenses.** Eligibility for payment of therapy expenses is based upon receipt of the following documentation:

(a) a written statement from the therapist indicating that the therapy is directly related to the victimization;

(b) an itemized bill from the therapist indicating the dates, times and charges for therapy; and

(c) evidence that the therapist is licensed by the appropriate governmental licensing body.

(6) **Therapy via Videoconference.** The Commission may reimburse for therapy services rendered via videoconference when the therapy is compliant with all applicable laws and regulations.

(7) **Interpreters for Victims/Claimants with Limited English Proficiency (LEP).**

(a) The Commission may provide reimbursement for reasonable fees incurred for the use of interpreters by LEP victims/claimants who seek therapy services as a direct result of the crime. The Commission will determine if the charges are reasonable on a case by case basis. The availability of interpreters in the LEP victim's/claimant's primary or home language will be considered in determining if the charges are reasonable.

(b) In order to qualify for reimbursement, the interpreter must be:

(1) currently certified by any state, regional or national interpreting association, board or body as proficient in the LEP individual's primary or home language, or

(2) found to be qualified to interpret in the LEP individual's primary or home language by a municipal, county, state, or federal court.

(3) Unrelated by blood or marriage to the claimant and/or victim.

Author: Dr. Cassie T. Jones

Statutory Authority: ALA. CODE § 15-23-5(14) (1995)

History: Filed July 9, 2020