

**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 propounded 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? No

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 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 Procedures Division of the Legislative Reference Service.

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

Date 3/13/15

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 provide reimbursement/payment for interpreters for therapy services for claimants/victims with limited English proficiency.

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 May 6, 2015. 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:

This rule will provide reimbursement/payment for interpreters for therapy services for claimants/victims with limited English proficiency.

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 eligible victims of violent crime to received additional compensation benefits.

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, it is only promulgated to assist victims of violent crime.

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:

It will provide more compensation to eligible victims.

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 improves the public health by providing more compensation to eligible victims.

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

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

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

(1) Qualified Providers

~~To receive payments for counseling/psychotherapy, the mental health professional must be licensed by the State of Alabama. Psychiatrists, psychologists, licensed professional counselors, and licensed clinical social workers are required to have an active license by their respective professional licensing board.~~

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 treatment therapy due to his/her victimization.
- (b) ~~The clinician shall be required to provide the Commission with quarterly~~ 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 ~~list of~~ bill for treatment sessions.

(3) Eligibility for Payment. ~~Those eligible for counseling costs enumerated in the law are:~~ The claimant, victim, and/or the victim's immediate family members may be eligible for mental health benefits.

~~(a) VICTIM: A person who suffered serious bodily injury, psychological injury as the result of a direct, face to face threat of physical injury or death as a result of criminally injurious conduct.~~

~~(b) DEPENDENT: A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.~~

~~(c) CLAIMANT: Any of the following persons applying for compensation under this chapter:~~

- ~~1. A victim;~~
- ~~2. a dependent of a deceased victim, if such victim died as a result of criminally injurious conduct; or~~
- ~~3. a person authorized by law to act on behalf of a victim or dependent of a deceased victim if such victim died as a result of criminally injurious conduct;~~
- ~~4. a victim's immediate family members as defined by the State of Alabama Family and Medical Leave Act requirements.~~

(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) ~~Counseling Reimbursement for therapy expenses~~ shall not exceed \$6,250, or 50 sessions, unless exigent circumstances exist and the ~~amount of the expenses~~ maximum allotment for ~~counseling therapy expenses~~ will be expended before the victim/claimant has been adequately assisted on an outpatient basis. Exigent circumstances may include, but are not being limited to, homicide survivors, child victims, and ~~victims diagnosed~~ with Post Traumatic Stress Disorder (PTSD) ~~in which the victim/claimant requires continuing therapy. In no instance shall counseling expenses exceed \$8,000. 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 counseling therapy services are provided by community mental health centers on a sliding fee schedule scale.~~ Inpatient treatment shall be considered a medical condition for purposes of compensation. ~~In instances in which~~ When the victim is a minor, the claimant shall be limited to 15 individual ~~counseling therapy~~ sessions, unless the victim is deceased. The 15 individual ~~counseling therapy~~ sessions limit shall not apply to homicide claims.

(d) Supplemental therapy bills may be submitted to ACVCC as accrued, for consideration of payment. ~~They will only be considered and paid every three (3) months.~~

(e) ~~In instances in which~~ When ~~counseling therapy~~ services have been provided by county mental health centers, ACVCC will only pay what ~~the victim~~ has been charged on a sliding fee scale.

(5) Criteria for Payment of Counseling Therapy Expenses. Eligibility for payment of ~~counseling therapy~~ expenses is based upon ~~the following factors~~ 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.

~~(a) The reasonableness of the charges;~~

~~(b) The relationship between the therapy and the crime;~~

~~(c) The cooperation of the therapist in submitting the requested information which includes evidence that therapy is necessary as a result of the crime, a bill indicating dates, times and cost of therapy, evidence that the therapist is licensed or, if not, evidence that the therapist is supervised regularly by a psychologist or psychiatrist.~~

(6) Counseling Therapy via Videoconference. The Commission may reimburse for counseling therapy services rendered via videoconference when the counseling service 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: March 13, 2015