

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? Yes

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 9/23/13

REC'D & FILED
SEP 23 2013
LEGISLATIVE REF SERVICE

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 limit reimbursement for the counseling expenses of family members when the victim is a minor. The rule will not apply to homicide claims.

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 December 5, 2013. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Z. 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

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 limit reimbursement for the counseling expenses of family members when the victim is a minor. The rule will not apply to homicide claims.

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 ensure that adequate funds are available for the long-term counseling of minor victims.

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 ensure adequate compensation for minor 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 improves the public health by ensuring that there will be adequate compensation available to minor victims of violent crime.

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

Minor victims of violent crime may not have adequate funding for mental health benefits.

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

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

(1) Qualified Providers

(a) 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.

(2) Appropriate Treatment

(a) ACVCC must receive a letter from the clinician certifying that the victim is engaged in necessary treatment due to his/her victimization.

(b) The clinician shall be required to provide the Commission with quarterly updates certifying that the treatment is necessary and the result of victimization.

(c) The clinician must provide an itemized list of treatment sessions.

(3) Eligibility for Payment. Those eligible for counseling costs enumerated in the law are:

(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 shall not exceed \$6,250, or 50 sessions, unless exigent circumstances exist and the amount of the expenses for counseling 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 Post traumatic stress disorder in which the victim/claimant requires continuing therapy. In no instance shall counseling expenses exceed \$8,000. Reasonable effort should be made to inform victim/claimants counseling services are provided by community mental health centers on a sliding fee schedule. Inpatient treatment shall be considered a medical condition for purposes of compensation. In instances in which the victim is a minor, the claimant shall be limited to 15 individual counseling sessions, unless the victim is deceased. The 15 individual counseling 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 counseling services have been provided by mental health centers, ACVCC will only pay what the victim has been charged on a sliding fee scale.

(5) Criteria for Payment of Counseling. Eligibility for payment of counseling expenses is based upon the following factors:

(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.

Author: Dr. Cassie T. Jones

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

History: Filed September 23, 2013