

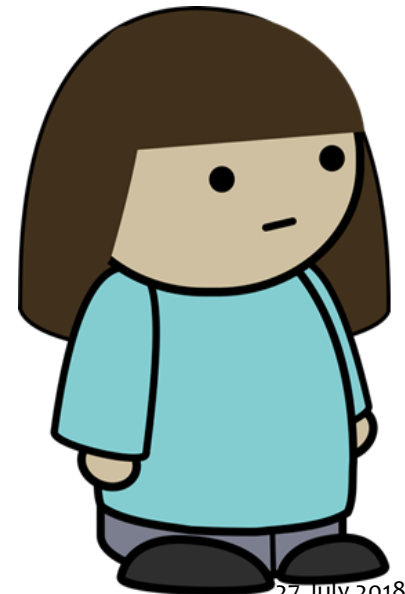


CRIME VICTIMS' COMPENSATION (CVC) PROGRAM TRAINING

- * **Presented by :**
- * **Sara Hoffman**
- * **Claims Examiner**

Intros

- Sara Hoffman, Claims Examiner
- Cecilia Lucero, Claims Assistant
- Attendees



Agenda

- Intros
- Eligibility Requirements
- Benefits
- New Statutory Changes
- Denials and Appeals

Crime Victim and Survivor Services Division

Direct Support to Oregon Crime Victims

- * Address Confidentiality Program
- * Crime Victims' Compensation Program
- * Crime Victims' Rights Program
- * Post-Conviction Victim Assistance Program
- * Sexual Assault Victims' Emergency Medical Response (SAVE) Fund

Funding and Support to Programs & Providers

- * Grants' Unit
- * Revenue Recovery
- * Trafficking Intervention Program
- * Training and Technical Assistance

CVSSD's Direct Support to Crime Victims'

CVSSD's Direct Support to Crime Victims'

- * **Address Confidentiality Program:**
a free mail-forwarding services for survivors of domestic violence, sexual assault, stalking and/or human trafficking

CONTACT: ACP@doj.state.or.us | 503-373-1323

- * **Crime Victims' Compensation Program:**
a program to ease crime-related financial burdens for victims

CONTACT: CVSSD@doj.state.or.us | 503-378-5348

CVSSD's Direct Support to Crime Victims'

- * **Crime Victims' Rights Program:**
Ensures crime victims' constitutional and statutory rights are understood, honored and enforced at every point of contact within the criminal justice system.

Printed resources including a practitioner's guide, crime victims' rights brochures, law enforcement pocket cards and various best practice guides are available.

Provides technical assistance with crime victims' rights practices and works with a variety of partner agencies to provide education and best practice information.

CONTACT: Helen O'Brien | helen.obrien@doj.state.or.us | 971-673-1880

CVSSD's Direct Support to Crime Victims'

- * **Post-Conviction Victim Assistance Program:**

Helps crime victims understand and know their rights, learn about process, find resources and gain information about ongoing legal actions after a defendant is convicted.

Provides specific support to victims on cases in which a defendant is found “guilty except insane” and is under the jurisdiction of the Psychiatric Security Review Board.

Victims in the post-conviction process are entitled to specific victim rights and may be eligible for additional compensation benefits.

CONTACT: CrimeVictimsServices@doj.state.or.us | 503-378-4284

CVSSD's Direct Support to Crime Victims'

- * **Sexual Assault Victims' Emergency Medical Response (SAVE)**

Fund:

Encourages appropriate medical care for victims of sexual assault by providing confidential means of payment for exams.

Victims may access these funds regardless of whether they have reported to law enforcement and/or used prior resources (CVCP requirements).

Pays for the cost of the medical exam, medications to prevent sexually transmitted diseases, emergency contraception and pregnancy testing (capped at \$615.00 total) as well as up to five counseling sessions.

Applications for SAVE Fund are submitted by medical providers.

CONTACT: Valerie Smith | save@doj.state.or.us | 503-378-5348

Common CVC Myths

- * If you don't report to law enforcement your claim will be denied
- * If you don't cooperate with law enforcement your claim will be denied
- * If you have any unpaid financial obligations your claim will be denied
- * Everything gets denied!

STATS

2015

* 5214 claims received, 205 denied

2016


* 5337 claims received, 395 denied

2017

* 5421 claims received, 347 denied

It's not as restricted as you may think...


CVC Eligibility



CVC statutory changes in 2017 to increase access

General Eligibility Requirements

- **Victim of a compensable crime in Oregon**
- The following are regularly waived for good cause:
 - Report the crime to law enforcement
 - Report within 72 hours
 - Cooperate with law enforcement
 - File CVCP application within one year of the crime



Compensable Crime - Person to Person Violent Crime

ORS 147.005(4)

Types of Crimes

Compensable	Non-compensable
Child abuse	Traffic Violations
Sexual Assault	Property Crimes
Physical Assault	Fraud, Identity Theft
Domestic Violence	Accidental Injury (hunting accidents)
Homicide	Animal Bites
DUII/Reckless Driving	Hit & Run (without other criminal element)
Menacing*, Stalking*	
Armed Robbery*	
Active Shooter, mass casualty, or Hostage*	

* Psychological injury, emotional distress or mental harm directly resulting from a person crime

What is good cause for failing to report within 72 hours or to cooperate with L.E.?

- * **Good cause is ASSUMED in cases of child abuse, domestic violence, sexual abuse, stalking.**
- * Other examples of good cause:
 - * The victim fails to report or cooperate based on a reasonable fear that doing so would result in retaliation to the victim or another person;
 - * The victim fails to report or cooperate due to the traumatic nature of the crime;
 - * The victim is physically unable to report timely or cooperate because of the severity of the trauma resulting from the crime

What if the victim never reported?

NEW!

If the victim or survivor never made a report to law enforcement, this requirement is satisfied if one of the following was obtained:

- * Restraining Order (FAPA order)
- * Sexual Assault Restraining Order (SAPO)
- * Stalking Order
- * Sexual Assault Forensic Exam (SAFE exam)

Caution: Don't promise that someone WILL receive CVC

1. **Financial obligations**
2. **Wrongful act**
3. **Contributory conduct**

Not sure? Refer!

CVC Benefits

What does CVC pay for?

Injuries or loss directly resulting from the crime.

- * Medical
- * Counseling
- * Loss of Earnings
- * Rehabilitation
- * Funeral

Medical

(Medical/Counseling
up to \$20,000)

Eligible crime related medical
treatment/services:

- Hospital and doctors visits
- Ambulance
- Dental
- Prescriptions
- Vision

Sexual Assault Victims' Emergency Medical Response (SAVE) Fund

- * Established March 1, 2004
- * **To encourage appropriate medical care for victims of sexual assault by providing confidential means of payment for exams**
- * Do not have to report to law enforcement
- * Do not have to use prior resource
- * Medical Provider submits this application

SAVE Fund

- * **SAVE Fund pays for:**

- * Full exam (w/SAFE Kit) no more than 120 hours after assault
- * Partial exam (without SAFE Kit) no more than 168 hours after assault
- * Sexual Assault Nurse Examiner
- * MD Examination
- * STD Prophylaxis
- * Emergency Contraception
- * Maximum payment \$685.00

SAVE Counseling Award

- * For dates of service January 1, 2015 or later, five (5) counseling sessions are available.
- * Not to exceed \$840.00

Counseling

(Medical/Counseling
up to \$20,000)

Eligible Providers for Counseling:

- LPC, LMFT, LCSW, PsyD, PhD
- Psychiatric Mental Health Nurse Practitioner
- MD, including psychiatrist
- QMHP – Qualified Mental Health Professional

Rehabilitation

(up to \$4,000)

- Physical Therapy, Occupational therapy
- Massage Therapists
- Chiropractors
- Acupuncture
- Traditional or Cultural Healer
- Up to 5 visits without a medical referral
- Medical equipment may be covered

CVC will review chart notes and treatment plans

Transportation

(up to \$3,000)

- Mileage reimbursement at \$0.30 per mile.
- Medical and mental health treatment more than 60 miles round trip.
- Verify with treatment provider that services are crime related.



Loss of Earnings

(up to \$20,000)

- Based on the victim's net wage at time of injury (verify with employer)
- Limit \$600.00 per week (increased from \$400 1/1/18)
- Medical release required from a medical practitioner beyond 2 weeks
- Mental Health (PTSD) – up to 30 days with medical practitioner certification
- Self-employed verification required (tax returns)
- Benefit is for direct victims only

SA/DV Counseling (up to \$5,000)

* **New award!**

ORS 147.015 (HB2621)

A limited counseling benefit for victims of SA/DV who do not report to law enforcement, but otherwise provide basic facts regarding the incident.

Benefits for Indirect Victims

- Child witness to domestic violence
- Family member of child sexual abuse
- Survivor of deceased victims
- First to discover the corpse of a friend or acquaintance

Child Witness to Domestic Violence

(Counseling benefit
up to \$10,000 per
child)

Eligibility:

- If the child was present during an incident of domestic violence
- If the child discloses to DHS, LEA or CAC that they have witnessed domestic violence
- Child may apply as victim or may be added to adult victim's claim

Family member of child sexual abuse victims

Who qualifies?

- Immediate family members (parents/guardian, siblings)

Benefits eligible for:

- Counseling – Authorize 10 sessions initially

Purpose?

- To educate family on the mental and behavioral effects that trauma may be having on the child.
- To instruct them on supportive techniques and practices for use at home.

Survivors of deceased victims

Who qualifies?

- Spouse, significant other, children
- Parents & siblings
- Grandparents, aunts, and uncles
- Guardian

Benefits eligible for:

Funeral expenses (up to \$5000 for claim)
3 year eligibility

Survivor counseling (up to \$20,000 for claim)
Adults eligible for 5 years
Minor eligible until 21 years of age

Loss of support for spouse and children of victim (up to \$20,000) (Requires verification)

NEW – Survivors of deceased victims' are eligible for up to \$1,500 for prescription medications prescribed in conjunction with counseling.

Requirements for all benefit payments:

- Must be crime related.
- Providers need to meet licensing requirements.
- Insurance must be utilized (unless waived by CVC)
- We review date of incident chart notes for diagnosis codes and pre-existing conditions.

How long does it take to process a claim?

- Most claims are determined within 60 - 90 days
- Goal: 45-60 days (once new staff are fully trained)

We rush claims for:

- Homicide Claims
- Loss of earnings (2+ weeks)
- Victims who are refused medical services because they can't pay

Can denied claims be appealed?

- Yes, please have the victim/survivor contact the examiner.

Final Thoughts

- * CVC can pay co-pays and deductibles so applicants should still apply even if they have insurance.
- * Make sure application is completely filled out.
- * Per IRS ruling, compensation benefits are not considered taxable income.
- * If you receive bills from the victim please fax (503-378-5738) or email (CVSSD.Email@doj.state.or.us) or upload them via the portal.
- * When in doubt REFER to CVC.

Questions?

*Please contact our office
if you have any questions*

503-378-5348

Thank you for attending
our presentation!