APA-3

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 11th day of December, 20 17, and filed with the agency secretary on the 11th day of December, 20 17.

AGENCY NAME: Alabama Crime Victims' Compensation Commission

X Amendment _____ New _____ Repeal (Mark appropriate space)

Rule No. 262-X-4-.05
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Emergency Awards.

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

The rule was adopted without changes from the proposal.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVI, ISSUE NO. 1, AAM, DATED October 31, 20 17.

Statutory Rulemaking Authority: Ala. Code § 15-23-5(14)(1995)

(Date Filed)
(For LRS Use Only)

Cassie T. Jones
Certifying Officer or his or her Deputy

Cassie T. Jones, Ed.D.
Executive Director

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

262-X-4-.05 Emergency Awards.

The Commission may make or authorize the executive director to make in advance an emergency award of compensation to the applicant prior to taking action on an application or pending a final decision when it appears that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made. The Commission may consider undue hardship to exist in the following circumstances:

(a) The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat or shelter;

(b) The applicant is in fear or danger for his/her life due to his/her victimization; or

(c) The applicant cannot receive emergency services without emergency payment;

(d) Crime scene clean up shall be considered an emergency service.

(e) Prescription drugs that have been prescribed as a result of victimization shall be considered an emergency product. A copy of the prescription and the pharmacy's statement of the cost of the drug must be received by the Commission for the prescription expense to be considered for emergency payment. Prescriptions for pre-existing medical conditions shall not be considered for reimbursement.

(f) Moving expenses may be considered an emergency service for applicants. Moving expenses may be considered as an emergency expense for applicants who have moved and applicants who have not yet moved. Proof of moving expenses must be received by the Commission for the moving expense to be considered for emergency payment.

The applicant may request in the initial application that consideration be given for an emergency award and provide justification for such award. A decision denying an emergency award shall not be appealable. The amount of such emergency award shall not exceed two thousand dollars ($2,000). An emergency award shall be deducted from the final compensation made to the applicant. If the final award is less than the amount of the emergency award, the applicant must repay the excess award to the Commission. All emergency awards are subject to the Code of Ala. 1975.

Author: Dr. Cassie T. Jones
Statutory Authority: *ALA. CODE* § 15-23-5(14) (1995)
History: Filed December 11, 2017