

**CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment) new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 9th day of July, 2020.

AGENCY NAME: Crime Victims' Compensation Commission

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

EFFECTIVE DATE OF RULE: July 9, 2020

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY:

Adoption of this rule is necessary to ensure the Commission maintains adequate funding levels for future victims of violent crime.

STATUTORY AUTHORITY: : § 15-23-5(14), Code of Alabama

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Kim Martin, ACVCC
PO Box 231267
Montgomery, AL 36123-1267
334.290.4420

Cassie T. Jones Cassie T. Jones, Ed.D.
Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

REC'D & FILED

JUL 9 2020

LEGISLATIVE SVC AGENCY

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