

**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 8th day of September, 2020, and filed with the agency secretary on the 8th day of September, 2020.

AGENCY NAME: Crime Victims' Compensation Commission

X Amendment New Repeal (Mark appropriate space)

Rule No. 262-x-4-.07
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Mental Health Benefits.

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.

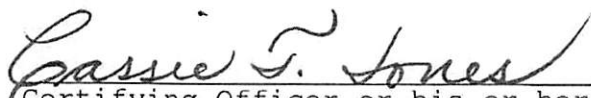
NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII,
ISSUE NO. 10, AAM, DATED July 31, 2020.

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

(Date Filed)
(For LSA Use Only)

REC'D & FILED
SEP 08 2020

LEGISLATIVE SVC AGENCY



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-.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. 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: Amendment filed September 8, 2020; effective November 14, 2020