

**21<sup>ST</sup> JUDICIAL DISTRICT CRIME VICTIM COMPENSATION BOARD**  
**GUIDELINES FOR MENTAL HEALTH COUNSELING**

**MENTAL HEALTH THERAPIST QUALIFICATIONS**

The CVC Board requires that all treating mental health service providers:

- A. Submit an application to the Board to become an approved therapist in this jurisdiction; and.
- B. Are a licensed therapist with the Department of Regulatory Agencies; or
- C. Are supervised by a state licensed mental health provider and be registered with Department of Regulatory Agencies as an unlicensed therapist; or
- D. Have a minimum of a master's degree and be directly supervised by a doctorate or licensed therapist.

The Board may inquire or require that any therapist requesting compensation payment to:

- A. Demonstrate current experience and education relating specifically to the areas of expertise identified on the provider application.
- B. Demonstrate a basic knowledge and documentation of education or experience in the crime victimization issues or the criminal justice system.

**THE CVC BOARD REQUIRES:**

- A. All approved therapists must submit an updated resume with references for review by the Victim Compensation Board every 12 months.
- B. The service provider must be familiar with crime victim issues and be knowledgeable in the practice of crime/problem specific therapy.
- C. The doctorate or licensed therapist providing direct supervision must review all Treatment Plans or written requests for medication referrals submitted by the treating therapist.

**THE VICTIM COMPENSATION BOARD SHALL NOT CONSIDER FOR PAYMENT A CLAIM:**

- A. By a therapist or therapist organization where the therapist or therapist organization is under investigation by any governmental agency, including, but not limited to, any law enforcement agency, the District Attorney's Office, the Attorney General's Office, or the Department of Regulatory Agencies, for defrauding a victim compensation program;
- B. By a therapist or therapist organization where the therapist or therapist organization has been convicted of a misdemeanor or felony for defrauding a victim compensation program, or has admitted to defrauding a victim compensation program or inaccurate billing, or been convicted of a crime that resulted from fraudulent or inaccurate billing;
- C. By a therapist or therapist organization where the therapist or the therapist organization has admitted or been convicted of crimes committed against clients; and
- D. By a therapist that provided victim services to their client in a dual role either through profession or as a volunteer. For example, the CVC Board will not consider payment of counseling sessions by a therapist that also operated as a police officer, law enforcement advocate, non-profit advocate, or forensic interviewer for the same victim. This list is not all inclusive.

## **MENTAL HEALTH TREATMENT GUIDELINES**

Program policies and procedures are structured by the Board to facilitate payment of mental health therapy that places the highest priority on the best interest of the compensation applicant. Fiscal limitations preclude compensation funds to affect complete trauma recovery. The CVC Board will pay counseling costs for both primary victims and secondary victims.

### **The following guidelines apply to requests for payment of mental health therapy:**

- i. Psychological testing is generally not paid by the Board, but this can be reviewed on an individual basis
- ii. The CVC Board will rarely approve therapy for a child under age two (2) unless the therapist is specialized in therapy for that age group and can show proof of training in that area and can prove to the Board through a Treatment Plan the benefits of the therapy.
- iii. The CVC Board may require the treating therapist to use a standardized Treatment Plan and Extension Request provided by the CVC Administrator.
- iv. All treatment must deal with the crime.
- v. The Crime Victim Compensation Board will pay for individual therapy, group therapy and the victim portion of dyad/family therapy.
- vi. The CVC Board may waive caps in the best interest of the victim.
- vii. The CVC Board will not continue therapy beyond a two year time period.
- viii. The CVC Board may approve a number of sessions or a dollar limit.
- ix. All types of therapy are reviewed on an individual basis.
- x. Billing is expected on a monthly basis.
- xi. If a provider has a sliding fee schedule, the victim must be billed accordingly.
- xii. When a new claim is opened, any request for payments prior to the open date must be approved by the CVC Board and these sessions will be included in the six months of approved treatment and dollar limit.

### **Initial Assessments (4 Sessions/\$320 Limit)**

CVC Board approval for initial mental health therapy assessments will be approved at a maximum rate of \$320 for four sessions. Initial assessments shall be encumbered for no longer than three (3) months.

A Treatment Plan must be submitted to the Board within two months after initial Board approval. The form needs to be signed by the state licensed therapist and the victim and/or their legal guardian before submitting the form to the CVC Board for review. The therapist must provide mandatory disclosure statement with treatment plan.

If the application is approved, a Treatment Plan must be completed by the therapist before payment can be made.

### **Additional Mental Health Therapy**

CVC Board approval of mental health therapy beyond the initial four assessments is contingent upon submission of an initial Treatment Plan prepared by the treating therapist.

Upon receipt of the initial Treatment Plan, the Board will determine if therapy will be reimbursed and for what time period based on applicability to crime.

The Board will notify in writing the victim and therapist of the duration of treatment sessions and/or dollar amount approved. Additional therapy funds shall be encumbered for no longer than six (6) months.

### **On-Going Mental Health Therapy**

CVC Board approval of mental health therapy beyond the Treatment Plan award is contingent upon submission of a Mental Health Extension Request. The form needs to be signed by the state licensed therapist and the victim and/or their legal guardian before submitting the form to the CVC Board for review.

The Board will still require a Mental Health Extension Request at the end of six months when the initial Treatment Plan award has not been exhausted. Payment will be held on claims where the Extension Request form has not been received, yet bills have been submitted for sessions after the expiration of the plan.

Funds approved and encumbered for ongoing mental health therapy shall be encumbered for no more than six (6) months.

### **Award Consideration for Mental Health Therapy**

The CVC Board may consider additional factors, other than the eligibility requirements outlined by statute when making mental health awards. The CVC Board may consider the CVC Fund balance, age of claimant and the familial relationship of a secondary victim to a primary victim.

#### **Primary Victims (40 Sessions/\$3,200 Limit)**

1. Contingent upon the submission and approval of an initial Treatment Plan the CVC Board may award 40 sessions or \$3,200 of mental health therapy.
2. Contingent upon the submission and approval of an Extension Request the Board may award an additional 50 sessions or \$4,000 in intervals of 10 sessions or \$800 each.
3. The total amount of mental health therapy to be incurred by the Board for a primary victim, including the four initial assessments is 90 sessions or \$7,200.
4. The CVC Board reserves the right to modify these limits as deemed necessary on a case-by-case basis.

#### **Secondary Victims (25 Sessions/ \$2,000 Limit)**

1. Contingent upon the submission and approval of an initial Treatment Plan the CVC Board may award 25 sessions or \$2,000 of mental health therapy.
2. Contingent upon the submission and approval of an Extension Request the Board may award an additional 16 sessions or \$1,280 in intervals of 8 sessions or \$640 each.
3. The total amount of mental health therapy to be incurred by the Board for a secondary victim, including the four initial assessments is 41 sessions or \$3,280.
4. The CVC Board reserves the right to modify these limits as deemed necessary on a case-by-case basis.

#### **Family Sessions**

The Board may approve, when requested as part of a treatment plan, family sessions. Family will be paid at the rate of \$35 per hour for the victim's participation in a family therapy session. Each family member must have a CVC claim and be pre-approved for family sessions. The therapist must submit a separate bill for each participant.

#### **Group Sessions**

The CVC Board may approve, when requested as part of a treatment plan, group sessions. Group sessions will be paid at the rate of \$35 per hour for the victim's participation in a group therapy session.

### **Mental Health Medication (\$500 Limit)**

The Board may approve sessions for the purpose of psychotropic medication. The Board will need information in writing from the psychiatrist describing the need for psychotropic medication and how the need for medication relates to the crime. The maximum award for medication management sessions is six months, not to exceed \$500.00 (whichever comes first).

### **Change of Therapist**

If a crime victim compensation client wants to change therapists part way through the awarded sessions, she/he must notify the Victim Compensation Administrator. A new treatment plan will be required. When this is reviewed by the CVC Board, written notification will be sent to the client and therapist of the Board's decision. Until the Board approves the changes, there is no guarantee of payment for any of the sessions with the new therapist.

#### **B. Payment Consideration for Mental Health Therapy**

- i. Therapists are strongly encouraged by the CVC Board to accept compensation funds as payment in full for services rendered.
- ii. It is the responsibility of the treating therapist to notify the claimant if compensation funds will not be accepted as payment in full for services rendered. It is also the responsibility of the treating therapist to notify the claimant of any charges that are not eligible for compensation benefits.
- iii. Itemized statements should be submitted no more than 180 days after the date of service. Statements received with service dates more than 180 days prior will be paid at the CVC Board's discretion regardless of any previously approved and/or encumbered funds.
- iv. Victims of crime are expected to utilize their existing insurance if mental health treatment is included in their benefits. If the victim's insurance panel of providers does not include a psychotherapist trained in crime victim/specific treatment, the CVC Board may authorize treatment outside that insurance panel.
- v. If the victim chooses a therapist within their insurance network, by law, bills must first be submitted for insurance payment prior to billing the Crime Victim Compensation Fund. Any balance due, up to the rate paid for regular treatment sessions, will then be paid by the Crime Victim Compensation Fund.
- vi. The Victim Compensation Board can pay a deductible or portion of bill not covered by insurance. A copy of the insurance claim form showing the deductible and percentage paid is required before payment can be made.
- vii. The CVC Board will consider a waiver of Medicaid to allow victims to see therapists that are more familiar with the dynamics of victimization. Waiver of Medicaid does not need to come to the Board for a decision; it is automatically granted. In limited circumstances the Board may consider waiving private insurance.
- viii. Payment for mental health therapy services will be paid at a maximum rate of \$80 per hour for individual therapy and \$35 per hour for the victim's portion of group, dyad and family therapy, per person.

### **MENTAL HEALTH TREATMENT LIMITATIONS OF ASSISTANCE**

**The CVC Board will not consider payment for the following expenses:**

- i. Consultations.
- ii. Case Management.
- iii. Missed appointments.
- iv. Court appearances.
- v. Time spent writing reports unrelated to the Crime Victim Compensation Board.

- vi. Telephone contacts/therapy by phone.
- vii. In-patient psychiatric care.
- viii. Perpetrator therapy, i.e., perpetrator's portion of a dyad, or family therapy.
- ix. Therapy via the internet.
- x. Anything not in direct relation to the crime.

**The Victim Compensation Board shall not consider for payment a claim:**

- xi. By a therapist or therapist organization where the therapist or therapist organization is under investigation by any governmental agency, including, but not limited to, any law enforcement agency, the District Attorney's Office, the Attorney General's Office, or the Department of Regulatory Agencies, for defrauding a victim compensation program.
- xii. The Victim Compensation Board shall not consider for payment a claim by a therapist or therapist organization where the therapist or therapist organization has been convicted of a misdemeanor or felony for defrauding a victim compensation program, or has admitted to defrauding a victim compensation program or inaccurate billing, or been convicted of a crime that resulted from fraudulent or inaccurate billing; and
- xiii. By a therapist or therapist organization where the therapist or the therapist organization has admitted or been convicted of crimes committed against clients; and
- xiv. By a therapist that provided victim services to their client in a dual role either through profession or as a volunteer. For example, the Board will not consider payment of counseling sessions by a therapist that also operated as a police officer, law enforcement advocate, non-profit advocate, or forensic interviewer for the same victim. This list is not all inclusive.

The CVC Board retains the discretion to limit, suspend, or deny payment of bills submitted by a mental health therapist who is under review by a licensing board or under investigation by a law enforcement agency. Should the CVC Board decide to limit, suspend, or deny payment of bills, the following procedures will apply:

- i. The CVC Board will notify the mental health therapist, in writing, of any change in payment status.
- ii. The CVC Board will also notify any claimants receiving services from the mental health therapist of any change in the CVC payment status.
- iii. It is the responsibility of the mental health therapist who receives written notification from the CVC Board to make payment arrangements with clients for services provided after the date that the CVC payment status is changed.
- iv. It is also the responsibility of the mental health therapist to provide the CVC Board with written documentation of the final findings and outcome of licensing review and/or criminal investigation prior to the CVC Board reconsidering reinstatement of payment.

Victims of crime are expected to utilize their existing insurance if mental health treatment is included in their benefits. However, if the victim's insurance panel of providers does not include a psychotherapist trained in crime victim/specific treatment, the CVC Board may authorize treatment outside that insurance panel.

However, if the victim chooses a therapist within their insurance network, by law, bills must first be submitted for insurance payment. Any balance due, up to the rate paid for regular treatment sessions, will then be paid by the Crime Victim Compensation Fund.