REVISED JANUARY 2015

# Claimant Handbook

MINNESOTA CRIME VICTIMS REPARATIONS BOARD

OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

# CLAIMANT HANDBOOK

Thank you for filing a claim with the Minnesota Crime Victims Reparations Board. The Reparations Board is a state agency which assists victims of violent crime with a portion of their financial losses. This handbook is for crime victims, or their family members, who have applied for assistance from the Reparations program. Please review all of the information included in this handbook. It will help you understand how the program works and what type of financial assistance may be available to you.

## How do I contact the Reparations Board?

Reparations staff are available to take your call or assist you in person during regular office hours. Please refer to your claim number when calling or writing. To check the status of your claim, or request preauthorization of an expense, please call us.

Regular Office Hours:
8:00 a.m. - 4:30 p.m., Monday - Friday

651-201-7300 Main
888-622-8799 Toll Free
651-205-4827 TTY

The Crime Victims Reparations Board office is located on the twenty-third floor of the Bremer Tower. The mailing address is:

Office of Justice Programs
Crime Victims Reparations Board
445 Minnesota Street, Suite 2300
St. Paul, MN 55101-1515

The Crime Victims Reparations Board is a program of the Minnesota Office of Justice Programs.

# Contents


1 How do I contact the Reparations Board?

4 How long will it take to process my claim?

4 When will I receive my check?

5 What if I have additional expenses after my award?

5 What if I have other insurance or Medical Assistance?

6 Do I have to apply for discounts or charity care offered by the hospital?

6 How do I get preauthorization for expenses?

6 Will the Board cover moving expenses?

6 What if my losses are less than $50?

7 What is the maximum award?

7 What types of expenses are covered?

7 Why did the Board pay only a portion of my medical, dental, and mental health expenses? Do I have to pay the remaining amount?

9 Are sexual assault exams covered?

9 Am I eligible for mental health counseling?

10 What if I missed work as a result of the crime?

12 What if I was unable to complete school due to the crime?

13 What expenses are covered for family members of a deceased victim?

13 What is the maximum payment for funeral expenses?

14 Loss of Support

15 Can I get reimbursed for my transportation costs?

16 What expenses are covered for retrieving an abducted child?

16 Are my additional child care costs covered?

17 May I hire someone to help with home health care services?

17 Crime Scene Cleanup

18 What expenses are not covered?

18 Why was my claim reduced for contributory misconduct?

19 How does the Board make decisions?

19 How do I request a reconsideration of a reduction or denial of my claim?

20 Administrative Hearings

20 What if I receive money from the offender, an insurance settlement or a lawsuit?

20 Restitution

21 What other services are available for crime victims?

## How long will it take to process my claim?

It takes about four months for a claim to be processed and paid. Please feel free to call our office to check the status of your claim if you have not received payment within four or five months. Also, if you move or change your phone number, please be sure to provide us with your new address and phone number immediately.

After a claim form has been received, a claim file number and a claims specialist are assigned. Law enforcement is contacted to ensure that all eligibility criteria are met. If there is a question about eligibility, the claim goes to the Board for review. If the claim meets all the eligibility criteria, billing forms are sent to the service providers (e.g. hospitals) listed on your form. If you requested lost wages, a form is sent to your employer to verify the amount of lost income. You may also be asked to provide additional information. If you did not list all of your expenses on your claim form, please send us a complete list.

Claims are reviewed by the assigned claims specialist to assure that expenses claimed are for reasonable and necessary services related to the crime and that all other possible sources of payment, such as your insurance, have been used first. The claims specialist then calculates the amount of the award and prepares an award notice.

## When will I receive my check?

Once your award has been calculated, you will be sent an award notice by mail. Please contact your claims specialist if there is a mistake on the award notice.

Payments are made from the Department of Finance directly to you, or to your service providers if you have an unpaid bill. If program funds are available, checks are mailed approximately three weeks after you have received the award notice. If program funds are not available, there may be a delay in the payment of your claim.

## What if I have additional expenses after my award?

Claims are kept on file with the Reparations Board permanently and may be reopened at any time. If you have additional expenses related to the crime which were not paid on your first award, you may submit them to the Board for a supplementary award. Please send in the additional bills or send a letter explaining the additional expense.

Ongoing expenses such as mental health counseling, chiropractic care and lost wages are paid on a quarterly basis. Loss of support is paid annually.

## What if I have other insurance or Medical Assistance?

You must first use all other sources of payment available to you, including health insurance or Medical Assistance. If your health plan only covers certain doctors or clinics within a network, you must use those providers.

Important: If you have been using a provider not covered by your health insurance, you are required to switch to the provider covered under your insurance. The Board will pay bills accumulated prior to being informed of this policy by receipt of this handbook.

### Medical Assistance (M.A.)

Claimants who have M.A. may not receive payment for medical expenses because M.A. normally covers those expenses. Claimants who might be eligible for M.A. must apply for it and follow through with the application process.

If M.A. is discontinued, or did not become effective right away and the claimant is being held personally responsible for the medical bills, the Board will pay those bills.

## Do I have to apply for discounts or charity care offered by the hospital?

Most hospitals offer a discounted rate to patients who do not have health insurance and meet certain income guidelines. The Board requires that all claimants apply for this discount prior to the Board issuing an award. Contact the Board once the hospital has applied the discount to your account, or it is determined you are not eligible.

## How do I get preauthorization for expenses?

Upon your request, your claims specialist may preauthorize payment for medical procedures, dental care, mental health counseling or funeral expenses. You must get preauthorization from the claims specialist for certain expenses such as dental work, reconstructive surgery, chiropractic care and mental health care to assure payment. If your claim meets all of the Board's eligibility requirements, a letter guaranteeing payment of an approved amount can be faxed to the provider. Please call your claims specialist at 651-201-7300 or 1-888-622-8799 to request preauthorization.

## Will the Board cover moving expenses?

The Board will not cover moving expenses, even if the move is necessary as a result of the crime.

## What if my losses are less than $50?

To be eligible for reparations, you must have more than $50 of out-of-pocket losses due to the crime. If your losses are less than $50 after insurance has paid its portion, you will receive a letter saying that your claim has been placed on inactive status. If you have further losses we are not aware of, or if you incur additional expenses not included on the original application form, please contact our office.

## What is the maximum award?

The maximum amount of reparations allowed as a result of one crime is $50,000. However, there are also caps on a number of different types of services, including counseling, funeral expenses and lost wages. Very few claimants reach the maximum amount.

## What types of expenses are covered?

- Hospital and physician
- Prescriptions
- Physical therapy
- Chiropractic care (1 year maximum)
- Mental health care ($7,500 maximum)
- Lost wages
- Funeral ($7,500 maximum and $1,000 for a headstone)
- Household services
- Substitute child care
- Ambulance
- Prosthesis/Wheelchair
- Dental care
- Return of an abducted child
- Crime scene clean-up
- Remodeling of household for accessibility
- Eyeglasses (if broken during the assault)
- Abortions or prenatal care and delivery if pregnancy is a result of sexual assault

## Why did the Board pay only a portion of my medical, dental, and mental health expenses? Do I have to pay the remaining amount?

The Board pays only a percentage of medical, dental, and mental health counseling expenses. The provider is required to write-off the remaining amount.

Providers are required by law to accept the Board's reduced payment as payment in full and should not charge you for the remaining balance. If the provider is trying to collect the balance from you, please notify our office immediately.

If you have already paid the bill and the Board is making payment to you, you will be reimbursed at 100%.

## Medical Expenses

The current payment rate for medical expenses is 60%. The reduction applies to all medical expenses except for the following: eye exams and glasses, prescriptions, prosthetic devices, rehabilitative items, co-payments, deductibles, and spend downs.

## Dental Expenses

The current payment rate for dental expenses is 90%. The reduction applies to all dental expenses, including exams, x-rays, extractions, implants, root canals, crowns, bridges, dentures, etc.

## Mental Health Expenses

The current payment rate for mental health expenses is 70%. The reduction applies to diagnostic interviews and testing, and individual, family, and group sessions.

## Are sexual assault exams covered?

Claimants must first submit the bill for a sexual assault exam to the county for payment. Under MN Stat. 609.35, costs for a sexual assault evidentiary exam must be paid by the county in which the crime was committed. Usually, the county attorney's office or the sheriff's department administers a sexual assault fund to pay for exams.

The Board does provide some coverage for sexual assault exams over and above payment by the county. If you are being billed directly for the service, please contact our office and we will assist you in getting the bill paid.

## Am I eligible for mental health counseling?

The Board will pay for counseling sessions for:

- Victims
- Family members (spouse or domestic partner, parents, children, siblings, and grandparents) of injured or deceased victims
- Witnesses to a violent crime
- Persons who discover the body of a homicide victim

Friends of the victim are not eligible for counseling unless they witnessed the crime or discovered the body.

### Procedure for preauthorization of sessions

If you need preauthorization for counseling, please contact your assigned claims specialist, who will then notify your counselor that the Board is authorizing payment for counseling sessions.

### Pre-existing or unrelated conditions

If your counselor informs the Board that only a portion of the counseling addresses the crime, or that you had a pre-existing condition, your award may be reduced.

### Maximum for Outpatient Mental Health Counseling

Your total accumulated expenses for outpatient counseling may not exceed $7,500. This cap does not include inpatient hospitalization or medication management.

### Is inpatient mental health care covered?

In extreme cases, the Board may cover inpatient mental health care. You must get preauthorization from your claims specialist for inpatient care to assure payment by the Board. The emotional impact of the crime must be the reason for the hospitalization.

The Board will not pay for a Minnesota resident to go out of the state for inpatient psychiatric care unless there are unusual circumstances requiring out of state care. Also, the Board will not pay for chemical dependency treatment.

## What if I missed work as a result of the crime?

The Board will reimburse the victim for a limited amount of lost income due to the crime. The rate of payment will be approximately the same as the victim's net income (after taxes) at the time of the crime. The Board only covers the time period that you were disabled due to the crime. Your physician or psychologist must verify your disability and give an estimated return-to-work date.

### Sick Leave/Vacation Leave/Holidays

The Board does not reimburse for sick, vacation, annual or holiday leave used up due to the crime. Leave time which the claimant had available will be subtracted from the wage loss regardless of whether the claimant used the leave time.

## Self-Employed or Unemployed Claimants

If you are self-employed, you must submit a copy of last year's federal and state tax returns. The rate for wage loss equals your reported adjusted gross income minus taxes. If you were unemployed at the time of the crime, loss of income will be based on your average net income during the previous 12 months as documented by tax returns, W-2's, check stubs, or other government agency records. There can be no compensation for unreported or anticipated income.

## Time spent on trial preparation or testimony

Time missed from work by claimants or victims to attend court proceedings, to appear in court, or to meet with police, attorneys, or probation officers is not covered by the Board.

## How long can I receive lost wages?

Lost wages will not be paid beyond the return-to-work date given by the physician or counselor. Also, the absolute maximum time period allowed for lost wages is 52 weeks (12 months).

## Hours missed in excess of 40 per week

The Board will not pay for more than 40 hours per week. For example, even if you had 2 or 3 jobs and normally worked 60 hours a week, the Board will only pay you for 40 hours of lost wages. If you were able to work your full-time job, but missed work from your part-time job, the Board will not reimburse your lost wages.

## Family members of homicide victims

The spouse or domestic partner and parents of deceased victims are eligible for up to 52 weeks of lost wages. For requests that exceed a 6-week time period, a physician or mental health professional must provide verification of the claimant's inability to work. Children, grandparents and siblings of a deceased victim are eligible for 6 weeks

of lost wages. No extension is allowed, unless there are extraordinary circumstances where the limit imposes undue hardship on the family member. Extensions must be approved by the Board.

### Family members of injured victims

The spouse or domestic partner, children, grandparents and siblings of an injured victim may be reimbursed for lost wages, and reasonable expenses for transportation and lodging, to provide care for the injured victim. The family member must provide verification from a physician or mental health provider that the victim required care due to the injury from the crime. Total payments to all claimants may not exceed $5,000 combined.

### Are my lost wages taxable?

Lost wages paid to claimants are not taxable income under Revenue Ruling 85-97 and Revenue Ruling 74-74. Claimants who received awards for medical expenses may not deduct those expenses on their tax returns. Claimants with tax questions should contact the State Revenue Department.

## What if I was unable to complete school due to the crime?

The Board does NOT reimburse students for loss of tuition, scholarship, or student loan funds even though they may have to repeat a semester due to a crime committed against them.

Students who have been hired for an actual job to start after graduation will be paid at the rate which would have been their starting salary according to their prospective employers. The Board will need to verify with the employer that the person had been hired.

## What expenses are covered for family members of a deceased victim?

The Board provides the following coverage to immediate family members of victims who died as a result of a crime:

Full benefits to:

- Parents of the deceased
- Spouse or domestic partner of the deceased

Full benefits may include:

- Funeral expenses
- Grief counseling and related prescriptions
- Medical expenses related to the crime
- Lost wages
- Loss of support to dependents
- Replacement childcare

Limited benefits to:

- All siblings of the deceased
- Children of the deceased
- Grandparents of the deceased

Limited benefits may include:

- Grief counseling and related prescriptions
- Six weeks of lost wages
- Funeral expenses

## What is the maximum payment for funeral expenses?

The Reparations Board covers reasonable expenses for funeral, burial or cremation up to $7,500. This may include any costs associated with the funeral service and burial including: transportation of the body, newspaper obituary, church hall rental, food, etc., as long as the total does not exceed $7,500.

Claimants may use up to $1,000 of the maximum funeral benefit to pay for airfare or other transportation or lodging for family members to attend the funeral. These expenses must be verified through receipts. An additional $1,000 is available for a headstone or monument.

### Memorials

Memorial money received by the victim's family is subtracted from the total cost when calculating the amount to pay for funeral expenses, unless the money was used for expenses other than the funeral.

### County Assistance

Claimants who are eligible for county burial assistance may spend more than the county burial benefit and the Board will pay the difference between the county payment and the total cost of the funeral, up to the Board's maximum of $7,500. Exception: If the county providing benefits has a family contribution maximum, the Board will not pay more than the family contribution.

## Loss of Support

### What is loss of support?

In homicide cases and drunk driving, hit and run, and criminal vehicular operation crashes resulting in death, the victim's dependents may be eligible for loss of support payments. Dependents usually include the spouse or domestic partner, and children under the age of 18. The person who has custody of the children should file the claim.

### How long can I receive loss of support?

Loss of support is paid for 3 years. After 3 years, claims are reevaluated by staff, giving consideration to the family's financial need and the availability of funds to the Board. If the family's income is above certain levels, or there is a shortage of Board funds, loss of support payments are discontinued and cannot be resumed at a later time.

Also, when a minor child reaches 18, loss of support payments for the child are discontinued regardless of the family's income level.

### Procedure

The claimant must complete and return a Loss of Support Addendum form. Copies of the following information should also be sent to our office: federal tax returns of the deceased, and birth certificates for the children. The spouse or domestic partner must provide a marriage certificate or other supporting documentation proving they qualify as a domestic partner.

If the deceased and spouse were divorced, please send a copy of the court order showing how much the deceased was ordered to pay in child/spousal support (instead of tax returns and W-2's of the deceased.)

### How is loss of support paid?

Loss of support is paid once a year after verifying that the claimant still has custody of the children and is still claiming loss of support. Claimants must notify the Board immediately if they no longer have custody of the children.

### How is loss of support calculated?

The amount of the loss of support payment is based on a monthly rate determined by the Board. The current rate is $350/month per dependent.

## Can I get reimbursed for my transportation costs?

Mileage costs incurred for medical appointments, counseling sessions, dental care, chiropractic care, court hearings, meetings with attorneys and law enforcement, etc. are not compensable. There are no statutes or rules that provide for payment of mileage or parking expenses other than the following:

- Ambulance costs (see page 7)
- Transportation to attend a funeral (see page 14)
- Expenses related to the return of an abducted child (see page 16)
- Transportation to provide care for an injured victim (see page 12)

### Witness Transportation/Relocation - Not Covered

The Board will not pay the cost of transporting witnesses for trial or case investigation, or any moving or relocation costs for a victim or witness.

## What expenses are covered for retrieving an abducted child?

The Board will pay reasonable expenses to return an abducted child to the child's parent or guardian. The child must have been a victim of kidnapping, or depriving another of custodial or parental rights. Expenses are limited to transportation costs, meals, and lodging from the time the child was located until the child returns home. The claimant should retain and submit receipts. The Board will also cover counseling for the child who was kidnapped and immediate family members.

### Attorney Fees/Investigation Costs

Costs of hiring an attorney (or a private investigator) to locate and return a missing child are not covered.

## Are my additional child care costs covered?

The Board will reimburse claimants for reasonable expenses for substitute child care. It must be child care which the victim would have been doing if he or she had not been injured or killed. Child care services do not need to be provided by a licensed facility. Services may be provided by a babysitter, including a family or household member.

### Rate of Pay

If child care services are licensed, they must not be paid more than their standard rate. If child care services are not licensed, the maximum rate of pay is $3 per hour for daytime care or $4 per hour for evening care.

In addition, there is a cap on 24-hour child care of $250 per week for one child and $350 per week for 2 or more children.

The child care provider will be requested to submit a list of dates and hours that services were provided.

## May I hire someone to help with home health care services?

The Board will consider payment for reasonable home health care costs if services are needed due to the injury from the crime. There must be verification from a physician or other supporting information showing that the victim is in need of home health care due to crime related injuries. Services must be provided by a licensed professional and cannot be performed by a family or household member.

## Crime Scene Cleanup

The Board will pay for the cost of cleaning up an apartment or home after a homicide, if a relative of the victim is being charged for this cleanup. The maximum amount covered is $10,000. You must get preauthorization to assure payment by the Board. Expenses must first be submitted to homeowner's insurance.

## What expenses are not covered?

Some of the items that are not covered by the Reparations Board include:

- Damaged or stolen property
- Stolen cash or checks
- New locks/Security devices/Alarm systems
- School tuition
- Foster care and shelter fees
- Long distance phone calls
- Attorney/Private investigator fees
- Court-related expenses (mileage, phone calls, lost time from work)
- Mileage to and from appointments
- Moving expenses and rent
- Chemical dependency treatment
- Membership to a health club
- Massage therapy

## Why was my claim reduced for contributory misconduct?

You may receive a letter stating that your claim was reduced by a certain amount for contributory misconduct. By law, the Board must reduce claims where the victim contributed to the incident through misconduct or negligence. The Board may reduce the claim by 25%, 50% or 75%, or it may deny the claim completely.

Contributory misconduct includes the following acts that contributed to the injury:

1. using fighting words, obscene or threatening gestures, or other provocation, including use of gang or hate group hand signs, colors, symbols, or statements;
2. knowingly and willingly riding in a vehicle operated by a person under the influence of alcohol or a controlled substance;
3. consuming alcohol or a controlled substance or other mood altering substance;
4. unlawfully possessed a controlled substance;

5. planned, conspired, or attempted to unlawfully use, procure, distribute, or sell a controlled substance;
6. was a confirmed member or associate of a gang or hate group;
7. failing to retreat or withdraw from a situation where an option to do so was readily available; and
8. driving an uninsured vehicle.

The claimant is responsible for paying their service providers the amount of the contributory misconduct reduction not paid by the Board. If you are not sure of the amount you have to pay, please call our staff at 651- 201-7300 or 1-888-622-8799.

## How does the Board make decisions?

The Reparations Board is composed of five members appointed by the Commissioner of the Department of Public Safety. The Board meets once a month to discuss claims where the claimant may not meet all eligibility criteria or where services may be unreasonable. The Board votes to either pay, reduce or deny the claim. The Board's decision is based on police reports and medical records.

If your claim is reduced or denied, you will receive a letter stating the reasons. A brochure titled "Your Appeal Rights" will be included with the letter.

## How do I request a reconsideration of a reduction or denial of my claim?

You may request a reconsideration of the decision made by the staff or Board by sending a letter to our office within 30 days. The letter should state that you are requesting reconsideration and include why you believe the Board's decision was wrong. The Board discusses all reconsideration requests at their monthly meeting. Claimants are welcome to attend the meeting to discuss their claim with the Board. If you want to attend the meeting, you must call 651-201-7300 or 1-888-622-8799 to make an appointment.

## Administrative Hearings

If you are still unhappy with the Board's decision after your request for reconsideration, you may request a hearing before a state administrative law judge. You must send a letter to the Board stating that you are requesting a hearing. The Board's attorney and the Director will attend your hearing. You must attend and may bring an advocate if you wish. Telephone hearings are possible if the claimant lives outside of the metro area.

The administrative law judge can only make a recommendation to the Board. The Board then discusses whether to accept the recommendation, and issues a final decision.

## What if I receive money from the offender, an insurance settlement or a lawsuit?

You must notify our office if you pursue any type of lawsuit related to the crime, receive an insurance settlement, or restitution from the offender.

The Board has the right to recover money paid to you from other sources, such as a civil lawsuit, insurance settlement or restitution. If you win a civil case and receive a settlement, the Board is entitled to the total amount of reparations paid minus one-third for the attorney's fees. You may also be asked to sign an agreement not to submit any further expenses to the Board.

## Restitution

The Board may request restitution from the offender. If the Board has paid reparations, the court should order restitution payments to be made directly to the Board. Please contact our office at 651-201-7300 or 1-888-622-8799 if you are receiving payments from the offender.

## What other services are available for crime victims?

If you need services other than financial assistance, one of the following agencies may be able to help you. Services provided by victim assistance programs are confidential.

RESOURCE LIST

Office of Justice Programs
Crime Victims Justice Unit
445 Minnesota Street, Suite 2300
St. Paul, MN 55101-1515
651-201-7310 or 1-800-247-0390

The Crime Victims Justice Unit investigates complaints regarding violations of victims' rights, and can provide referrals to other victim assistance programs in your area.

Council on Crime and Justice (7 county metro area only)
General Crime Victim Services
822 S 3rd St. #100
Minneapolis, MN 55415
612-340-5400
24-Hour crisis counseling, advocacy, information and referral.

Mothers Against Drunk Driving State Office
155 S Wabasha St. #104
St. Paul, MN 55107
651-523-0802 or 1-800-487-6233

The Minnesota State Bar Association
www.mnfindalawyer.com
The Bar Association website provides free referrals to private attorneys.

United Way's 211
651-291-0211
24-Hour information and referral

The Minnesota Coalition for Battered Women
60 East Plato Blvd., Suite 130
St. Paul, MN 55107
651-646-6177 or 1-800-289-6177

The Minnesota Coalition Against Sexual Assault
161 St. Anthony Ave. #1001
St. Paul, MN 55103
651-209-9993 or 1-800-964-8847

Missing Children of Minnesota
416 E Hennepin Ave. #217
Minneapolis, MN 55404
612-334-9449 or 1-888-786-9355

Parents of Murdered Children
P.O. Box 516
Circle Pines, MN 55014
651-484-0336

DayOne Statewide Domestic Violence Crisis Line
24-Hour advocacy, support and shelter referral
1-866-223-1111

Minnesota Alliance on Crime
General Crime Coalition
155 S Wabasha St. #104
St. Paul, MN 55107
612-940-8090

Survivor Resources
367 Grove Street, St. Paul, MN 55101
651-266-5674

350 S. 5th Street, Rm 108, Minneapolis, MN 55415
612-673-3951
survivorresources.org