

CVR BOARD MEETING MINUTES

February 11, 2009

Marlene Gonzales  
Chet Loftis  
Michael Madsen  
Brent Scharman  
Rod Snow  
Louise Speth  
Karen Watkins

Gary Scheller  
Liz Bennis  
JoAnn Huber  
Mark McDermott  
Lori Radcliff  
Ron Gordon

Patti Jensen  
Connie Wettlaufer

Louise Speth convened the meeting at 3:00 pm.

1. Minutes of the November 12, 2008 Board meeting were approved.
2. Review of Claims (Closed Meeting)  
**A motion was made by Louise Speth, and seconded by Michael Madsen, to close the meeting for the review of claims. Motion passed. All in favor.**

A. Claim Number 156116

JoAnn Huber

Request was made for additional travel funds beyond the \$1,000 maximum award allowed for transportation. The mother of the victim would like CVR to continue to cover the travel costs to attend therapy sessions for as long as the approved treatment plan is in effect or until the claim closes on February 23, 2010. **A motion was made and seconded to approve the request for additional travel costs beyond the \$1,000 until the claim closes in 2010 or the treatment plan on file is no longer in effect.**

B. Claim Number 158991

Gary Scheller

Request for review of claim was withdrawn.

C. Claim Number 160943

Gary Scheller

The claim was filed by the parents of the deceased victim. To date CVR has paid a total of \$7,392 for funeral expenses and travel costs for the parents to attend the funeral. The claimant's attorney has submitted a request for a full waiver or drastic reduction of CVR's lien. **A motion was made and seconded to deny the request. Motion passed. All in favor.**

D. Claim Number 123987

Liz Bennis

A request was received from the victim's attorney asking the Board to waive its lien or accept \$4,000 as payment in full on the lien. To date CVR has paid \$47,516.19 on the claim. **A motion was made and seconded to accept \$4,000 as payment in full if the attorney is willing to reduce his fee by 100%. Motion passed. All in favor.**

**A motion was made by Louise Speth, seconded by Karen Watkins, to reopen the meeting. Motion passed. All in favor.**

3. Sexual Assault Forensic Examinations

Ron Gordon

A. Hospital Expenses

Ron presented a proposed rule amendment that would lower the percentage payable to hospitals on the Sexual Assault Forensic Examination claims from 85% to 70%. This would make payments on the SA claims consistent with the percentage being paid to hospitals on the compensation claims. **A motion was made and seconded to change the rule to read that CVR will pay 70% of the hospital expenses on Sexual Assault Forensic Examination claims. Motion passed. All in favor.**

B. Facility Charges

The Sexual Assault Forensic Examination rule allows CVR to pay up to \$600 for costs associated with the examination. Sexual assault nurse examiners, not affiliated with the hospital, are paid directly for the Code R examinations they perform. In addition to the \$600 charge for the exam, the rule defines other costs CVR can consider paying on behalf of the victim who had the examination. One of these costs is for a facility charge for the use of the emergency room. Stacy Batalla, the staff member in charge of processing the SA claims, noticed that facility charges had increased dramatically in the past year. Some hospitals are now charging up to \$1300 for the use of the room. Gary surveyed other states and most include the facility charge within the cap allowed for the examination. No state has a total cap higher than \$1,000. Ron said these charges are unreasonable and recommended the Board implement a cap on facility charges.

**A motion was made and seconded to cap the dollar amount CVR can pay for the emergency room rental fee used for a Code R examination. Motion passed. All in favor.**

Ron and Chet will discuss CVR's concerns with the hospital association and have been given authority by the Board to offer a cap of up to \$350. They will report at the next meeting.

4. Three Year Limitations

Ron Gordon

Ron presented a proposed rule change for consideration. Gary explained that the rule's language, as it is now written, refers to laws and benefits that are no longer in effect. The proposed change removes the language that is not effective today. **A motion was made and seconded to accept the proposed rule as written. Motion passed. All in favor.**

5. CVR Fund Update/Cost Containment

Ron Gordon

Ron reported on the state of the Crime Victim Reparations Trust Fund balance. Based upon the first six months' expenditures, Ron projects the trust fund balance will be around \$3.4 million by June 30, 2009. The ending balance of the trust fund by the end of FY 2010 could be \$2 million dollars. If the balance goes that low the Board could not act fast enough to remedy the situation and victims may have to be put on a waiting list. Ron suggested the Board consider implementing cost containment measures before it gets to that point. He said that CVR needs to find a way to cut over \$1 million dollars. Some areas where cost containment measures could be considered are: (1) create filing deadlines; (2) suspend the ability to extend claims beyond the three year closure date as set in the Three Year Rule; (3) eliminate benefit categories; (4) decrease benefit maximums by lowering current caps; and (5) eliminate benefit awards to secondary victims. Revenue could be increased if the Board suspended subrogation reductions/waivers.

Ron said no final decisions were needed at this time but could be studied for the May meeting. There is a possibility CVR might receive Recovery Act funds which could lower the amount of the reductions. The projections Ron made in the documentation he dispersed already includes the savings from the reduction of the percentage payable to hospitals as written in the recently amended Medical Rule and the \$200,000 savings from the cancellation of the Court Component on the V.I.N.E. contract.

The Board discussed making a recommendation to the Legislature to cancel the entire V.I.N.E. program or have it assigned to Public Safety or another more appropriate agency. It is a useful service to victims but not a primary mission of CVR. The bottom line would be that CVR needs to be removed from the financial responsibility of paying for the V.I.N.E. program. The Board could recommend that only the Court Component be cancelled this year and the rest of the V.I.N.E. program next year or just recommend the entire program be removed from CVR's responsibility and let the Appropriations Committee decide whether to do it this year or next year. Ron said he could inform Appriss that the Board is recommending that V.I.N.E. be cancelled and they might reduce the contract costs.

**A motion was made and seconded to go to the Legislature and tell them CVR really needs all of the V.I.N.E. costs removed from CVR's responsibility. If they waiver, then tell them that the \$200,000 absolutely needs to be cancelled this year and the rest of the V.I.N.E program next year. Motion passed. All in favor.**

Dr. Madsen suggested the formation of a subcommittee to study the cost containment issues and determine the dollar amount of reduction needed at this time. The committee would bring its recommendations back to the Board at the next meeting.

**A motion was made and seconded to suspend payment for rent and rent deposits effective for all applications received after February 11, 2009. A subcommittee will be formed to address other cost containment measures. Motion passed. All in favor.**

The next meeting is scheduled to be held on May 13, 2009.

The meeting was adjourned.