

CVR BOARD MEETING MINUTES

February 13, 2008

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

Ron Gordon
Gary Scheller
Consuelo Alires
JoAnn Huber
Lori Radcliff
Dana Thomas

Patti Jensen
Connie Wettlaufer

Louise Speth convened the meeting at 3:00 p.m.

1. Minutes of the August 22, 2007 and November 14, 2007 Board meetings were approved.
2. Review of Claims (Closed Meeting)
A motion was made by Louise Speth, seconded by Brent Scharman, to close the meeting for the review of claims. Motion passed. All in favor.

A. Claim Number 147387

Dana Thomas

Victim's attorney requested that CVR accept \$8,000 as full and final settlement regarding CVR's subrogation lien of \$8,648.70. No additional request for benefits or medical payments will be submitted to CVR. **A motion was made and seconded to approve the request. Motion passed. All in favor. None opposed.**

B. Claim Number 157264

Dana Thomas

The victim has outstanding medical bills totaling \$206,604. The suspect's insurance has offered to pay their policy limit of \$100,000 plus \$1000 in medical pay. Medical expenses are likely to be incurred in the future. Victim's attorneys requested that CVR waive its subrogation lien on the settlement proceeds. They are willing to reduce their fees by 25%. Also, they would like the CVR claim to be utilized to the maximum benefit allowed. **A motion was made and seconded to waive the subrogation lien and pay any additional bills received up to the maximum allowed. The attorneys will reduce normal attorney fees by 25%. Motion passed. All in favor. None opposed.**

C. Claim Number 160111

JoAnn Huber

Due to a non-union of a shoulder clavicle fracture, the victim was told to use a bone stimulator by her doctor. Normal cost of a bone stimulator is \$4200. Board approval is needed to pay for medically necessary equipment over \$1500. A request was received asking the Board to waive the \$1500 maximum award and approve payment of \$3,813.12 for a bone stimulator. **A motion was made and seconded to approve payment of \$3,813.12 for the victim's bone stimulator. Motion passed. All in favor. None opposed.**

D. Claim Number 155062

JoAnn Huber

The family on this claim had auto insurance and no health insurance. The offender had no auto insurance coverage. The claimant is asking that CVR waive subrogation rights on the \$100,000 settlement received from his auto insurance. **A motion was made and seconded to waive subrogation on the \$72,000 CVR has paid to date and close the CVR claim. No more benefits will be available. Motion passed. All in favor. None opposed.**

E. Claim Number 150391

JoAnn Huber

This claim was first presented in August, 2007 with a request to waive subrogation. Since the CVR maximum had not been reached, JoAnn was asked to obtain unpaid medical bills from the attorney. The claim has now reached the \$50,000 maximum benefit allowed. The victim still has approximately \$25,000 worth of expenses related to the crime including an LDS Hospital bill and attorney fees. A new request was made asking that CVR waive the right to subrogation on the \$25,000 settlement. **A motion was made and seconded to waive the entire subrogation amount. Motion passed. All in favor. None opposed.**

F. Claim Number 155836

JoAnn Huber

Sisters of the deceased victim flew to Salt Lake City to attend a meeting with law enforcement at the U.S. Attorney's office. At the time of the application, the maximum travel allowed was \$500. A request was made to waive the \$500 maximum to allow the sisters to be reimbursed the full cost of their travel expenses estimated to be around \$700 per sister. **A motion was made and seconded to approve the request to waive the travel maximum and pay the full travel costs. Motion passed. All in favor. None opposed.**

G. Claim Number 161292

Gary Scheller

A request was made to add the biological mother of a minor child to the claim as a secondary victim. The biological father was a homicide victim. Although they were never married and never lived together, the two shared joint custody of the child. Board approval is needed to add the mother as a secondary victim so that she can receive mental health and other benefits. **A motion was made and seconded to grant secondary victim status to the biological mother of the child. Motion passed. All in favor. None opposed.**

H. Claim Number 154372

Gary Scheller

At the time of application, the maximum travel benefit allowed was \$500. A request was made to apply the current \$1000 travel benefit to this claim. The victims have used \$500 for trips related to the pre-trial and trial.

Additional costs were incurred traveling to the sentencing hearing and mental health visits. **A motion was made and seconded to apply the \$1000 travel benefit for all victims on this claim. Motion passed. All in favor. None opposed.**

I. Claim Number 159125

Consuelo Alires

A request to exceed the maximum allowed for essential personal property. The victim's father submitted a request for funding to help pay for modifications to a van. The victim suffered spinal cord damage as a result of a gunshot wound and the injury caused permanent paralysis. The modifications would cost \$7,943. **A motion was made and seconded to approve the request to exceed the maximum allowed for essential personal property and authorize payment of \$7,943 for the van modification. Motion passed. All in favor. None opposed.**

A motion was made and seconded to reopen the meeting. Motion passed. All in favor. None opposed.

3. Funeral and Burial Award

Ron Gordon

This agenda item was tabled until the next meeting.

4. Rent Award

Gary Scheller

Gary discussed the idea of opening the rent award program to all eligible claimants, not only victims of domestic violence and/or child abuse. The current rent award allows for a one time only three month benefit of actual rent expenses not to exceed \$1,800. Gary presented a draft rule proposal that would eliminate the current rent award and increase the relocation award limit from \$2,000 to \$2,500 of which up to \$1,200 could be used to pay two months rent.

A motion was made to approve the draft proposal for administrative rule R270-1-10 with one change to the wording. The text should be changed to read, "Pursuant to Subsection 63-25a-411(4)(a), victims are allowed moving expenses up to \$2,500." Administrative rule R270-1-24, Rent Awards will be deleted. The Board will review the Relocation Award in one year unless the need arises earlier. Motion passed. All in favor. None opposed.

5. Loss of Support Rule

Gary Scheller

Gary presented a draft rule change proposal. The language of the current Loss of Support rule is very broad. The change would make it clear that the benefit is available to dependent minor children of a deceased victim. The Board discussed the possibility of extending the award to include adult children who were physically and financially dependent on the victim at the time of death. A suggestion was made to change Subsection B to read "payment of the award." Also discussed was the use of wording referring to both minor children and eligible children. Ron will rework the proposal to present at the next meeting.

6. Sexual Assault Forensic Examination Rule

Ron Gordon

The Federal Violence Against Women Grant requires that victims of sexual assault be able to receive a sexual assault forensic examination without being required to cooperate with law enforcement and prosecutors. CVR must certify compliance with this requirement to receive Violence Against Women grant funds. Ron presented a draft rule change that would solidify CVR's position that payment of the examination will be made regardless of whether or not the victim cooperates with law enforcement or prosecutors. **A motion was made and seconded to approve the administrative rule change. Motion passed. All in favor. None opposed.**

7. Purchase of Animals for Companionship

Dana Thomas/Ron Gordon

This agenda item was discussed at length at the last meeting. Dana and Ron were asked to do research to determine if companion animals could be helpful to victims and to provide recommendations to the Board. Ron reported their findings. A limited review of applicable research indicates that animals can sometimes help people recover from traumatic experiences and cope with conditions such as panic disorder and post-traumatic stress syndrome. Ron and Dana recommended the Board consider any requests for companion animals on a case-by-case basis under the current rules rather than establishing a new rule, require appropriate training of the animals, and require a mental health or medical provider submit information explaining the need for the animal and the relationship of that need to the crime. The Board decided to use the recommendations as a guideline when considering future requests.

8. Medical Fee Schedule

Ron Gordon

Over the past year the Board has studied methods to use for reducing the amount paid by CVR on medical billings. A medical fee schedule appears to be the most appropriate for CVR to implement. There is a bill before the Legislature that states medical providers who accept payment from CVR accept the payment as payment in full and cannot seek further payment from the victim. The bill also allows CVR to implement a fee schedule using PEHP's fee schedule if desired. The Utah Medical Association expressed a concern that some of PEHP's rates are low and have asked for a guarantee that CVR will work with medical providers and their representatives as a fee schedule is developed. Representative Fisher read intent language on the floor of the House that stated CVR would work with medical providers and their representatives as a fee schedule is developed. The bill is currently in the Senate and if passed would be effective July 1, 2008.

9. EMDR Therapy Ron Gordon
Eye Movement Desensitization and Reprocessing Therapy (EMDR) was discussed extensively at the last meeting. EMDR was quite controversial at first because of concerns that it might erase memory. Because of that concern, CVR has only paid for EMDR once criminal proceedings have been completed. Research now reveals EMDR to be effective and does not support the concern that it erases memory. Ron was asked to speak with prosecutors for input on this issue and received no negative comments. Therapists would like CVR to pay for the treatment without restrictions regarding the completion of criminal proceedings. **A motion was made and seconded to pay for EMDR therapy without restrictions. Motion passed. All in favor. None opposed.**
10. Victim Services Grants Ron Gordon
Ron reported on the status of the Trust Fund to allow the Board to determine if there is a sufficient reserve to authorize Other Victim Service Grants for 2008. CVR Administrative Rule, R270-1-26(B) defines sufficient reserve as enough funds to sustain the operation of the Office of Crime Victim Reparations, including administrative and reparations costs, for one year. Reparation payouts for FY 2007 totaled nearly \$7.4 million. If a sufficient reserve equals the sum of the administrative costs and reparation payouts for one year, the figure is \$8.6 million when using the payouts from FY 2007. CVR currently has \$7.4 million in reserve and Ron expects that to drop by approximately \$1 million by the end of FY 2008. **A motion was made and seconded to not fund any victim service grants for 2008 because there is not a sufficient reserve in the Trust Fund. Motion passed. All in favor. None opposed.**

The next meeting is scheduled to be held on May 21, 2008.

The meeting was adjourned.