

CVR BOARD MEETING MINUTES
May 6, 2009

Marlene Gonzales
Michael Madsen
Louise Speth
Karen Watkins
Mel Wilson

Gary Scheller
Liz Bennis
JoAnn Huber
Mark McDermott
Lori Radcliff

Dana Thomas
Patti Jensen
Connie Wettlaufer

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

1. Mel Wilson, CVR's newly appointed Director, was introduced to the group.
2. Outgoing Board members Louise Speth and Karen Watkins were honored for their years of service to the Crime Victim Reparations Board.
3. Minutes of the February 11, 2009 Board meeting were approved.
4. Review of Claims (Closed Meeting)
A motion was made by Marlene Gonzales, and seconded by Michael Madsen, to close the meeting for the review of claims. Motion passed. All in favor.

A. 155645

Lori Radcliff

The victim, a passenger in a friend's vehicle, was shot in the shoulder by passengers in another car. He still has a bullet lodged in his shoulder but chose not to have it removed. To date CVR has paid \$1,217.23 on the claim. The victim is requesting CVR reduce or waive the right to subrogation on a \$14,000 settlement from the automobile insurance. **A motion was made and seconded to waive the right to subrogation and close the claim. Motion passed. All in favor.**

B. 165096

Mel Wilson

A request to appeal the denial of the claim was received by CVR. Director Mel Wilson, to avoid any conflict of interest, brought the appeal before the Board for review. **After hearing all the facts of the case, a motion was made and seconded to sustain the denial of the claim. Motion passed. All in favor.**

C. 159379

Mark McDermott

The victim's attorney is requesting a waiver of subrogation rights on the \$14,000 paid on this claim to date. The crime happened at the victim's place of employment. Worker's Compensation has paid more than \$60,000 in medical and loss of wages. CVR paid \$8,000 in loss of wages that should not have been paid. The victim would waive the right to further claims for reimbursement for medical bills on his compensation claim. **A motion was made and seconded to deny the request for a waiver and to demand the repayment to CVR of the \$8,000 paid in loss of wages. Motion passed. All in favor.**

A motion was made by Dr. Madsen, seconded by Karen Watkins, to reopen the meeting.

5. CVR Financial Update and Cost Containment Meeting Report Mel Wilson/Gary Scheller

Gary reported on the Trust Fund balance, the Federal Stimulus funds and the subcommittee on Cost Containment Measures meeting. Projections for the Trust Fund Balance have improved since the last Board meeting report. Recovery Act stimulus funds were expected to be around \$500,000 but the actual amount received was \$671,000. Taking into consideration the stimulus funds and the cost containment measures already enacted by the Board, as well as proposed Cost Containment Measures, the Trust Fund Balance is now projected to be in the black for the first time in five years with a balance of \$3.5 million dollars at the end of Fiscal Year 2010. The subcommittee met on February 18, 2009 and compiled a list of possible benefit reductions which would include lowering the Mental Health counseling award to \$2500 for primary victims and \$1250 for secondary victims, eliminating exceptions to the Three Year Rule and reducing the Relocation Benefit to \$500. Staff took all these factors into consideration and came up with a list of items that would produce an estimated annual savings of \$1.2 million dollars. Gary provided a copy of the committee meeting minutes, CVR Fund FY2010 Projections report and the estimated savings document for Board review. Mel stated that he had reviewed the numbers with the staff and felt very comfortable with the savings projections. He said it was a very realistic approach toward cost savings. In addition to the compensation stimulus money, CVR also will receive \$1.5 million from the Recovery Act for the S.T.O.P. Violence Against Women (VAWA) grant program and \$608,100 for the Victim of Crime Act (VOCA) grant program.

6. Relocation Proposed Rule Change Gary Scheller

At the Cost Containment Committee's suggestion, a proposed rule change was presented for Board approval. The rule change would lower the maximum award amount for moving expenses from \$2000 to \$1000. **A motion was made and seconded to approve the change to rule R270-1-10(A) as proposed. Motion passed. All in favor.**

At the February meeting, the Board voted to suspend rent and rent deposits for all new applications received after February 11, 2009. The Reparation Officers studied the issue again and feel the ability to pay rent deposits provides an important benefit to victims. Staff requested the Board to consider reinstating rent deposits as part of the relocation benefit. **A motion was made and seconded to reinstate payment for rent deposits/security deposits under the relocation award effective July 1, 2009. Motion passed. All in favor.**

7. Sexual Assault Proposed Rule Change Gary Scheller

Gary presented a proposed change to the Sexual Assault Administrative Rule for Board review. The rule will be changed to reflect payment to hospitals of up to 70% and to set a cap of \$350 for the rental or use of an emergency room or hospital space for the purpose of

conducting a sexual assault forensic examination. Dr. Madsen requested the wording be changed to read 70% of eligible hospital supplies and services.

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A motion was made and seconded to approve the proposed rule with the language amended to include the wording for supplies and services. Motion passed. All in favor.

8. Mental Health Counseling Proposed Rule Change Gary Scheller
Gary presented a proposed change to the Counseling Awards rule for Board review. The proposal would lower the maximum amount available to primary and secondary victims for therapy and would limit the number of sessions allowed in conjunction with the maximum dollar benefit set by the rule. **A motion was made and seconded to accept the changes to Rule R270-1-4 as proposed. Motion passed. All in favor.**

The Board discussed the review policy for mental health benefits on claims with extenuating circumstances that might require additional funds for therapy. Gary explained that these requests are sent to the Peer Review Committee for review. He asked that the Board suspend until further notice Subsection R270-1-4(5) to enable staff to better gauge the savings realized by the lower maximum award. **A motion was made and seconded to temporarily suspend R270-1-4(5) effective July 1, 2009. Motion passed. All in favor.**

9. Senate Bill 81 Update Mel Wilson
Mel updated the Board on Senate Bill 81 and the effect it could have on CVR. This legislation, which becomes effective July 1, 2009, would require local or state governmental entities to verify the lawful presence of an individual that applies for a state or local public benefit. CVR would have to verify that victims, with the exception of children, applying for compensation benefits are lawfully present within the United States. Verification would need to be made through SAVE, an organization under Homeland Security. The impact in terms of cost to CVR could be more than \$20,000 a year. To determine if CVR might be exempt from the legislation, Ron Gordon had requested an opinion from the Attorney General's Office. There has been no response as yet, so Mel contacted them again and was told CVR could expect a ruling in the next two or three weeks. Mel said CVR will comply if required but he is hopeful that CVR will be found to be exempt from the legislation.

Next Board meeting is scheduled for August 19, 2009.

The meeting was adjourned.