

**RULES
OF
GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL**

**CHAPTER 144-4
FUNCTIONS AND POWERS**

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144-4-.06 Crime Victims Compensation Board

(1) Purpose. In accordance with O.C.G.A. § 17-15-1 et. seq., the Council acts as the Crime Victims Compensation Board to administer the Crime Victims Emergency Fund. These Rules prescribe policies and procedures in addition to those set forth in O.C.G.A. § 17-15-1, et. seq.

(2) Definitions

(a) "Board" means the Georgia Crime Victims Compensation Board.

(b) "Crime" means an act of violence as defined by O.C.G.A. §17-15-2(3) that results in physical injury, serious mental or emotional trauma, or death.

(c) "Crime scene sanitization" means the removal or attempted removal of blood, dirt, stains or debris which requires hauling and dumping from the crime scene and may include the reasonable out-of-pocket cost of cleaning supplies, paint, equipment rental, and labor purchased as a direct result of the crime or investigation of the crime scene.

(d) "Claimant" means a victim or other person as defined by O.C.G.A. §17-15-7(a)(1) who was not actively engaged in criminal conduct at the time of their injury and who has incurred expenses that may be reimbursed by the Crime Victims Compensation Board.

(e) "Director" means the Director of the Criminal Justice Coordinating Council or their designee.

(f) "Health care" means the organized provision of medical care to individuals or a community.

(g) "Investigator" means an investigator of the Criminal Justice Coordinating Council.

(3) Members of the Board; Terms and Administration.

(a) The Director shall appoint at least five members of the Council to serve as the Crime Victims Compensation Board. The members must include a law enforcement officer, a member of the State Bar of Georgia and an individual who shall be, by virtue of training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs.

(b) Board members shall serve at the pleasure of the Director for terms of four years. However, the term of any Board member shall terminate in the event that Board member is no longer serving as a member of the Criminal Justice Coordinating Council.

(c) The Director shall designate one member of the Board as Chairperson and one member as Vice Chairperson for terms of two years. The Chair and Vice-Chair shall serve at the pleasure of the Director.

(d) Upon appointment to the Board, new members shall not be viewed as a voting member until *after* attending their first Victims Compensation Board meeting. The Chair may make an exception if it is deemed necessary to establish a quorum.

(e) The Victims Compensation Board is located as follows:

104 Marietta Street, NW, Suite 440
Atlanta, Georgia 30303

The Board shall meet in Atlanta or elsewhere throughout the State as necessary, at the call of the Chairperson or Director.

The Board is empowered to contract for services from actuaries, investigators, and other specialized personnel as shall be necessary to enable the Board to carry out its functions.

(4) Applications and Decisions by the Director.

(a) Claimants shall submit a completed application to initiate a compensation claim. The Board shall make available the application and any additional forms necessary for the processing of claims.

(b) The submission of a completed application to the agency will be deemed proper filing with the Board. The agency shall assist claimants with incomplete applications as necessary to assure their completeness.

(c) The Director may overturn a 72-hour reporting denial for good cause shown.

(d) The Director may overturn the denial for lack of cooperation with the program where all requested documentation is submitted before the scheduled appeals hearing.

(5) Eligibility and Exhaustion of Resources.

(a) With the exception of those acts enumerated in O.C.G.A. § 17-15-2(3)(A), a crime must have been committed in Georgia to qualify for compensation.

(b) The agency shall review each claim for the required findings, shall render an agency decision as to eligibility, and shall award an amount based on the factors set forth in O.C.G. A. § 17-15-7 and O.C.G.A. § 17-15-8. No award will be made until the claimant has exhausted all other public and private resources available to him or her (such as health insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare).

(6) Medical Expenses.

(a) As set forth in O.C.G.A. § 17-15-8, for all dates of service on or after July 1, 2022, payments made to a medical service provider for expenses related to the claimant's victimization shall be made in accordance with charges published by the State Board of Workers Compensation unless a reasonable health care justification to deviate from the listed charges is determined by the Board. Reasonable health care justifications may include but are not limited to the following:

1. Receipt of one or more medical bills that exceed the maximum amount available for medical expenses; or
2. The amount billed has been adjusted due to the application of health insurance, workers' compensation, or Medicaid/Medicare.

(b) Payment in Full. Payments accepted by a medical provider shall be considered payment in full for all dates of service on or after July 1, 2022. Payment shall be considered accepted if:

1. A physical check is either cashed, deposited, or otherwise negotiated by the medical service provider or its assignee; or
2. The medical service provider has entered into an agreement with CJCC to receive electronic payments and the provider has not:
 - (i) Provided notification of the intent to reject a payment within 45 days of the date of issuance; and
 - (ii) Returned the funds to CJCC within 45 days of the date of issuance.

(7) Lost Wages/Loss of support

(a) Lost Wages. With the submission of verified documentation and following current payment guidelines, the Board may consider covering all or part of the victim's income loss due to the victimization. The Board may authorize payment of lost wage benefits:

1. To the victim who has been physically injured and/or suffered serious mental and emotional trauma;
2. To the parent or legal guardian of a minor child or developmentally disabled adult who has been physically injured and/or suffered serious mental and emotional trauma;
3. To a claimant attending court proceedings and/or meetings with investigative agencies (e.g., law enforcement, DFCS, etc.) or Prosecutor's offices when not subpoenaed. In the case of deceased victims, this benefit will be limited to the parents, children, and spouse of the decedent; and
4. To bereaved parents, children, spouses, step-parents, step-children and siblings of a decedent.

(b) Loss of Support. With the submission of verified documentation and following current payment guidelines, the Board may authorize payment of loss of support benefits:

1. To the surviving spouse, parent, step-parent, child, or step-child who is dependent for his or her principal support upon a deceased victim.

(i) In computing loss of support in the case of a deceased victim, the Board shall only consider the victim's earnings and/or the amount of money or economic contributions the deceased victim was contributing to the claimant's household at the time of the injury; and

(ii) In computing loss of support in the case of a deceased victim with minor children, the Board shall consider proof of parentage and gainful employment of the deceased victim.

2. To a claimant who can establish financial dependency on the income of an incarcerated/absent offender at the time of the victimization.

(i) To establish financial dependency, a claimant must submit documentation showing that the claimant is:

I. a spouse, child, or a person covered under the offender's health care insurance coverage; or

II. a person that is listed as a dependent on the offender's Federal or State Tax Return.

(ii) The Board may also consider other evidence establishing financial dependency including proof of co-habitation along with joint financial documents that substantiates a claimant's dependency on the incarcerated/absent offender at the time of the victimization.

(iii) In computing loss of support in the case of an incarcerated/absent offender:

I. the victim or claimant must establish verifiable loss due to the assailant/offender's incarceration and/or absence from the home;

II. the Board may only consider the offender's earnings, and/or the amount of money or economic assistance contributed to the victim and victim's household at the time of the victimization; and

III. where the victim has received or is receiving a greater share of support contributed by sources other than the offender at the time of the incident, no compensation for loss of support may be awarded.

(8) Crime Scene Sanitization ("CSS").

(a) The Board may award compensation to the victim or claimant for the reasonable and necessary cost of crime scene sanitization which is the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available.

(b) The CSS company must have specialized training or certification in crime scene or trauma sanitization.

(c) Awards of compensation by the Board shall not supplant existing state and federal funding sources for crime scene sanitization.

(9) Counseling.

(a) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. After the fourth visit, compensation will not be provided for counseling services without the submission of a complete Psychological Service Report ("PSR")/ treatment plan or counseling verification form.

(b) Members of an adult victim's immediate family may receive compensation for counseling services provided that the adult victim authorizes such use of their benefits for family members.

(c) Where a minor victim is involved, counseling benefits are reserved solely for the minor victim. Benefits may be approved for the parent, guardian, and/or step-parents of the minor victim if deemed necessary by the licensed professional and approved by the Director or Board.

(10) Disposition and Review.

(a) Approval or Denial. The Criminal Justice Coordinating Council must provide the claimant with an electronic or mailed copy of the agency's approval or denial of their claim, as well as any associated payment requests.

1. When the Director has initially denied a claim and, thereafter, the claimant makes a written application for review of the Director's decision, the Director has the discretion, for good cause shown and prior to review by the Board, to withdraw their decision denying the claim and to refer it back to the initial investigator for additional investigation.

2. The Board, Director, or an investigator may request additional information from the claimant. Any claimant who does not submit the documentation requested by the Board, Director, or an investigator within the time specified in written correspondence requesting the information is subject to having their claim denied.

(b) Review by Board. A claimant may submit a written request to the Board to request review of the disposition of a claim. On its own motion, the Board may request that the Director or their designee review a claim and make a written recommendation to the Board prior to a hearing.

1. A hearing will be set on the Board calendar and the claimant must be notified of the date and time.

2. Hearings before the Board may be conducted by a quorum of the Board.

3. Although hearings will be conducted in an informal manner so as to encourage claimants to plead their own claims, if a claimant chooses to be represented by an attorney, that claimant shall be responsible for the payment of their attorney's fees. Compensation funds shall not be awarded to pay attorney's fees.

4. The Board shall render its decision within ten (10) business days after the conclusion of the hearing. The Board may uphold, overturn or remand the agency decision for additional findings or investigation.

5. When victims or claimants seek compensation for more than two claims within one year, any subsequent claims may be submitted to the Georgia Crime Victims Compensation Board for consideration.

Authority: O.C.G.A. §§ 17-15-1 et seq., 35-6A-4

144-4-.07 Unclaimed Restitution

(1) Court-ordered restitution that has not been claimed from the collecting authority within two years of the first restitution payment is transferred to the Criminal Justice Coordinating Council for deposit into the Georgia Crime Victims Emergency Fund.

(2) Entities that collect restitution must submit a victims' report on a periodic basis, including any restitution amount submitted to the agency for transfer to the Crime Victims Emergency Fund. For each restitution amount, this report must contain, at a minimum: the victim's name, last known address, the date(s) that funds were first available and the case docket number. When there is no restitution amount reported, the report should indicate that there are no restitution transactions for the period.

Authority: O.C.G.A. §§ 17-15-1 et seq., 35-6A-4

144-4-.08 Forensic Medical Exams ("FMEs")

(1) FME Eligibility.

(a) The Georgia Crime Victims Compensation Program (CVCP) will reimburse licensed providers for forensic medical exams (FMEs) conducted with the purpose of collecting evidence related to an alleged sexual offense as defined in O.C.G.A. §16-6-1 (c) or O.C.G.A. §16-6-2 (c) that occurred in Georgia on or after July 1, 2011. At minimum, an FME must include:

1. An examination for physical trauma related to the sexual offense

2. A determination as to the nature and extent of the physical trauma
3. A patient interview
4. Collection and evaluation of the evidence collected; and
5. Any additional testing deemed necessary by the examiner in order to collect evidence and provide treatment.

(b) Eligible applications for payment must include the following:

1. Written acknowledgement by an authorized agency representative that the FME was conducted by a licensed physician, physician assistant, registered nurse, SANE-A (adult adolescent) or SANE-P (pediatric)
2. In cases where the victim is a minor or a developmentally-disabled adult, an FME application must also include a Law Enforcement or Division of Family and Children Services Verification Form or an investigative document indicating an allegation or disclosure of a sexual offense.

(c) CVCP will pay for FMEs performed in another state as long as the crime occurred in Georgia and the provider performing the exam and the facility meets the criteria set forth by the Program.

(d) FMEs conducted for minors in custody of the Department of Juvenile Justice at the time of the sexual assault are ineligible for reimbursement by the CVCP.

(e) FMEs conducted for crimes other than sexual offenses as defined in O.C.G.A. §16-6-1 (c) or O.C.G.A. §16-6-2 (c) (e.g., physical abuse) are ineligible for reimbursement by the CVCP.

(2) FME Billing/Payment Guidelines.

(a) The CVCP's Fee Schedule complies with the Georgia Worker's Compensation medical fee guidelines, as such the Current Procedural Terminology (CPT) Codes, are considered "reasonable expenses."

(b) The provider and/or facility must bill the CVCP usual and customary charges for the FME and the actual amount paid will be determined by the description in the itemized statement in conjunction with the associated CPT Code, and/or the Revenue Code, as applicable.

(c) A Registered Nurse, SANE-A (adult adolescent) or SANE-P (pediatric) must bill their usual and customary charge for the FME, and the bill for service must include a descriptive itemized statement of the service(s) provided. As a convenience, the CVCP provides a CPT Code/Description of Services Reference Sheet to select the applicable description for the medical service(s) provided.

(d) Payment made by the CVCP for an FME must be considered as payment in full. CVCP is not bound by any billing or contractual agreements made between agencies and/or service providers.

(e) If the grand total for all bills (per application) exceeds \$1,000, then a formula will be utilized to distribute equitable payments to each service provider up to \$1,000 per victimization.

(f) For each victimization, CVCP will cover the cost of one FME per victim. If more than two FMEs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

(g) CVCP may conduct audits and/or site visits annually and, as needed, to ensure compliance with the preceding guidance and accuracy of reporting. Audits and/or site visits may include a review of forensic medical exam-related documentation and interviews with staff, including but not limited to the SANEs responsible for conducting the exams, victims' advocates and financial staff. A law enforcement verification document and any supplemental investigative documents may be obtained as part of the auditing process.

(h). Payments for FME's are funded by federal and/or state funds. Potential fraud, waste, abuse, or misconduct involving or relating to payments for FME's will be referred by CVCP to an appropriate investigative agency.

Authority: O.C.G.A. §§ 17-15-1 et seq., 35-6A-4

Rule 144-4-.09 Forensic Interviews ("FIs")

(1) FI Eligibility.

(a) The crime must have occurred in Georgia on or after July 1, 2014.

(b) The Georgia Crime Victims Compensation Program ("CVCP") will pay for interviews performed in another state as long as the crime occurred in Georgia and the provider performing the interview and the facility meet the criteria set forth by the Program.

(c) For each victimization, CVCP will cover the cost of one Forensic Interview per victim. If more than two FIs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

(2) CVCP Billing/Payment Guidelines.

(a) The provider and/or facility must bill the CVCP usual and customary charges with verifiable documentation related to the FI that details the specific referring agencies and the contact information to include:

1. the name of the service provider,
2. the location,
3. the date of referrals, and
4. the specific services recommended.

(b) A maximum amount of up to \$200 will be paid when funds are available.

1. The results of the interview must be used for the identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services, and must be documented by submitting the Forensic Interview Referral Document (FIRD) or similar form with the Application for Payment;
2. The interview must be conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center;

3. The interviewer must have 40 hours of specialized training and be certified to conduct forensic interviews appropriate to the developmental age and abilities of children or the developmental cognitive, and physical or communication disabilities presented by adults;
4. Each interviewer must submit documentation of their training with the initial application before payment will be disbursed; and
5. No award will be made until the provider and/or facility certifies that it has exhausted all other public and private resources available and annually submits the Forensic Interviewer Funding Certification Document (FIFCD).
6. CVCP may conduct audits and/or site visits annually and, as needed, to ensure compliance with the proceeding guidance and accuracy of reporting. Audits and/or site visits may include a review of forensic interview related documentation including videos. In cases where the forensic interview results in a forensic medical examination all forensic medical exam-related documentation and interviews with the SANEs responsible for conducting the exams may be reviewed and audited. A law enforcement verification document and any supplemental investigative documents may be obtained as part of the auditing process.
7. Payments for FI's are funded by federal and/or state funds. Potential fraud, waste, abuse, or misconduct involving or relating to payments for FI's will be referred by CVCP to an appropriate investigative agency.

Authority: O.C.G.A. §§ 17-15-1 et seq., 35-6A-4