

## HOME HEALTHCARE AND REPLACEMENT SERVICES (18 P.S. §11.103 and 37 Pa Code §411.42(i))

### **Who?**

A victim or eligible claimant who incurs expenses related to home healthcare or replacement services necessary as a result of the crime.

### **Family members or anyone residing in the victim's or claimant's household who lose pay as a result of providing the homecare or replacement service:**

When a *family member* or anyone residing in the victim or claimant's household, loses pay from his/her job as a result of providing home healthcare or replacement services, *the VCAP may pay their net loss of earnings*. The person providing the care must not have been otherwise reimbursed for their lost earnings and the amount reimbursed by VCAP will not exceed the average weekly wage as determined annually by the Department of Labor and Industry.

**Definition of Family Member**—For the purposes of home healthcare and replacement services, family means anyone related to the victim within the third degree of consanguinity or affinity (includes step) or anyone residing in the same household.

1st degree child or parent

2nd degree sister, brother, grandchild, or grandparent

3rd degree niece, nephew, uncle, aunt, great-grandchild or great-grandparent

Please Note: **Unemployed family members** that fall within the definition of family **are not eligible** for compensation for home health care or replacement services

### **Non-family members providing home healthcare or replacement services:**

If someone other than a family or household member provides these services, the maximum rate is \$8 per hour.

### **Home healthcare or replacement services provided by professional:**

If home healthcare services are provided by a healthcare professional, VCAP can consider the actual amount charged.

**Remember:** A claim must be filed by an eligible claimant. If the provider of service is not an eligible claimant, they may be paid as a provider under the eligible claimant's claim.

## **What?**

- Reasonable expenses for home healthcare services required as a result of the crime.
- Reasonable expenses for obtaining ordinary and necessary services (replacement services) that the direct victim would have performed, not for income but for personal benefit or for the benefit of the family, had the victim not been injured as a result of the crime. Examples of replacement services may include laundering, housekeeping, taking victim to medical appointment, childcare, grocery shopping, meal preparation or lawn care.

Home healthcare and replacement services fall under the \$35,000 cap.

## **How?**

1. The name and complete address of the doctor to whom VCAP may send a Health Care Practitioner Certification of Services Form to verify the homecare/replacement services. (Must be a physician, psychiatrist, or psychologist.)

Note: A victim may submit a doctor's note certifying the need for homecare/replacement with his or her claim. The certification must state the duration of the home healthcare/replacement service (from – to –) as well as the number of hours required daily, and that the service is medically necessary as a result of the crime. If the certification submitted with the claim form is not sufficient VCAP will send out for verification.

**PLEASE NOTE:** Normally a doctor's certification verifying the need for homecare is not required when homecare is only being requested for one or two days, especially when the victim is a child.

2. The name and address of the individual or company who provided the home healthcare services.
3. An itemized bill showing dates of service, hours worked, type of service provided along with the amount charged. If the bill submitted with the claim is not sufficient, VCAP staff will send out the Home/Childcare/Transportation Services/Replacement Services verification form to the provider of the service to complete.
4. Copies of receipts or cancelled checks are helpful. However, staff may verify with provider of service as described in #3 above.
5. If the provider of service is a family member or someone living in the victim's or claimant's household who lost wages as a result of providing the service, the following information is also required:
  - The name, address and telephone number of the family or household member's employer.
  - Copies of the family or household member's two paystubs for periods immediately prior to the leave of absence or a printout from the employer covering these pay periods. If

unable to provide this information, provide copies of the most recent W-2 statements or signed and filed IRS tax returns or state tax returns.

- Documentation of any paid leave the claimant received.

If the family member or person in victim's household is **self-employed**, the following is required:

- Copies of the family or household member's most recently signed and filed tax return including all schedules and 1099 forms, if applicable.
- If the family or household member was self-employed for less than a year at the time of the crime, and tax records are not available or do not accurately reflect income, wage earnings for the period immediately preceding the start of the business may be used as a basis for the loss.
- If, due to the crime injury, the family or household member is unable to fulfill a contract which was negotiated and signed prior to the crime, the VCAP may consider the lost net income. Copies of full signed contract is required.
- If the business continues to operate during the period of disability, VCAP may consider the amount paid to others hired to perform services that were normally performed by the family or household member. Documentation needed would include the pay records for the entire period that the replacement worker(s) was hired for.

### *Home Healthcare and Replacement Services Q & A*

**Q** The victim's mother travels from her home to provide home healthcare to the victim in their home, does the VCAP reimburse the mother's travel expenses to the victim's home?

**A** *No, the VCAP does not reimburse travel between the health care providers home and the victim's home.*

**Q** Can a counselor or nurse practitioner verify the need for home healthcare or replacement services?

**A** *No, only a physician, psychiatrist, or psychologist can verify the need for home healthcare or replacement services.*

**Q** A mother of a victim is not working, however, she took the victim to a medical appointment. Can the VCAP reimburse her \$8.00 an hour for her services?

**A** *No, family members and members of the victim's household who provide such services are only eligible for their lost wages. However, in this instance, mom could be reimbursed her travel expenses. (See "[TRANSPORTATION & TRAVEL EXPENSES](#)".)*

**Q** Can a victim receive compensation for childcare for when he/she goes to court?

**A** *Yes, family members and members of the victim's household who provide such services are only eligible for their lost wages. For anyone else, VCAP can reimburse up to \$8.00 an hour for the services.*

**Q** A mother of an adult victim takes time off work to be at the hospital while her son is in intensive care. Can mom receive lost earnings for homecare while the victim is in the hospital?

**A** *No. The Program is not able to pay lost earnings for homecare while the victim is in the hospital. However, once the victim is released from the hospital, if mom provides homecare, she can be compensated.*

**Q** Same as above however mom is needed to make medical decisions for her son while he is in the hospital. Can mom receive lost earnings for being at the hospital to make the medical decisions?

**A** *Yes. Mom would be eligible for her lost earnings for the period of time she was needed for medical decisions for her son, as certified by the treating physician.*