

**COUNSELING**  
(18 P.S. §11.707 and 37 Pa §411.42)

**Who?**

<b>ELIGIBLE PERSON:</b>	<b>MAXIMUM PAYMENT</b>
Direct victim—adult	\$5,000
Direct victim—minor	\$10,000
Witness—a person who is physically present at the crime scene and who witnesses a violent crime.	\$1,500
Relative of direct victim—anyone related to the direct victim within the second degree of consanguinity or affinity. This includes spouses, children, parents, siblings, grandparents, grandchildren, and in-laws (including mother, father, sons, daughters, brothers or sisters-in-law). Also includes step-relations as listed above.	\$2,500 \$5,000 for homicide
Anyone engaged to be married to the direct victim.	\$2,500 \$5,000 for homicide
A person who discovers the body of a homicide victim.	\$1,500
Shared Household—anyone residing in the same household with the direct victim.	\$2,500 \$5,000 for homicide
An individual responsible for the direct victim’s welfare. (This would include Legal guardians and foster parents.)	\$2,500 \$5,000 for homicide
<b>COUNSELING IS OVER AND ABOVE THE \$35,000 CAP.</b>	

**What?**

Counseling is eligible only if it is performed by, or under the supervision of, a psychiatrist, psychologist, licensed professional counselor or licensed social worker. Medications prescribed in conjunction with counseling can be reimbursed in full. For certain persons, mileage for the visits can be reimbursed in full at the state rate. *(Please see below as well as **“TRANSPORTATION & TRAVEL EXPENSES”**.)*

**Equine (Horse) Therapy:** Is an eligible benefit under VCAP for a direct victim, as well as any other person who would be eligible for counseling as a result of the crime. The expense is part of the individual’s counseling cap and must be performed by or under the supervision of a psychiatrist, psychologist, licensed professional counselor or licensed social worker.

## Medication and Transportation

### Direct Victim:

- A direct victim is eligible to be reimbursed for prescribed medications that are related to the crime. The medications are not deducted from the counseling cap.
- A direct victim is eligible to be reimbursed for travel expenses to counseling, including to a victim service program (may include a driver or other type of public transportation costs).

### Person other than the direct victim:

- VCAP will only reimburse for prescribed medications related to the crime and that are prescribed in conjunction with and are an intricate part of the counseling session. In these cases, the medications fall under the counseling cap for the eligible person. If the counseling visits stop, VCAP will not continue to pay for the medications. (Exception for homicide—see below.)
- Not eligible for travel expenses. (Exception for homicide—see below.)

**Exception:** In homicide cases, the parent, child, or spouse of the direct victim is eligible to be reimbursed for counseling and medications related to the crime as well as travel expenses to the counselor. Medications prescribed related to the crime are eligible even if counseling may cease.

**EXAMPLE:** *A mother of a homicide victim filed a claim for reimbursement of funeral and counseling expenses. Her daughter (victim's sibling) also filed a claim for counseling and medications. The victim's grandmother went to her primary care physician and was prescribed an anti-anxiety medication due to the trauma of losing her grandson.*

*In this scenario, the **mother** would be eligible for reimbursement of her medications, counseling, and travel expenses. Remember, in homicide cases, the parent, child or spouse of the direct victim; or the individual who assumes the responsibility for the funeral expenses; or any other person dependent for principal support is eligible to be reimbursed for counseling plus medications related to the crime and travel expenses to the counselor.*

*The **daughter** would be eligible for counseling expenses up to \$5,000. Prescribed medications in conjunction with her counseling are included and may be reimbursed under the counseling cap. The daughter's travel expenses to counseling are not eligible because the daughter was not eligible for the full \$35,000 award, as her mother was.*

*Medications that were prescribed for the **grandmother's** anxiety attacks are not eligible because she was not receiving counseling nor did the \$35,000 cap open up to her. She*

*would only be eligible for reimbursement for counseling expenses and for medications that are an intricate part of counseling.*

**Missed Appointments:** VCAP does not usually reimburse for charges for “missed” appointments. However, if the claimant provides a reasonable explanation for missing the appointment, such as being physically unable to keep the appointment due to a hospital stay or illness, VCAP may consider the charges. These circumstances will be looked at on a case-by-case basis.

Mileage to a victim service program is a compensable expense. For example, a victim’s mileage to the county domestic violence program for counseling or to attend a support group is eligible. A letter from the victim service program verifying the dates is required.

### **How?**

1. Copies of itemized bills, in the claimant’s name showing the name, address and telephone number of the provider, dates of service, type of service performed and the amount charged for each service.
2. If the claimant paid for any counseling expenses, copies of paid receipts or canceled checks are helpful. If not readily available, staff will obtain from the provider during the verification process.
3. If applicable, copies of insurance benefit statements showing payment and/or rejection of payment for all service dates.
4. If a claimant is filing for counseling for multiple dependents, the dependents or minor siblings of the victim need to be listed in the Counseling Section of the Claim Form. It is not necessary to file a claim for each dependent; VCAP will assign a new claim number and separate claim for each dependent once the claimant’s claim is received.
5. Victims and claimants must utilize any available insurances and participating providers. This includes HMOs, Blue Cross, Highmark Blue Shield, Major Medical, Medicare, Medical Assistance, Auto Insurances, etc. Victims and claimants also need to comply with any referral requirements of their insurance plan. Co-pays and/or deductibles can be considered as long as the minimum loss requirement is met.

Many insurances only cover a certain number of visits per year. In addition to reimbursing copays, VCAP can reimburse additional counseling costs after the allotted insurance sessions have been exhausted.

If the victim or claimant is covered by insurance or medical assistance but utilizes a non-participating provider, VCAP will require an explanation from the claimant. (Cannot come from advocate—either written or verbal from claimant.) Examples of instances where the Program may waive the requirement that a victim or claimant use their insurance are:

- The victim needs specialized care. An example of this would be for a child sexual assault victim who would most benefit from seeing a counselor that has experience working with children who have been sexually victimized.
- The victim has an already established relationship with a counselor and would like to maintain that counseling relationship even though the counselor is not in his/her insurance network.
- Travel to a participating provider is not feasible for a victim or claimant.

**OUT OF NETWORK INSURANCE REIMBURSEMENT:** Effective May 1, 2013(service date) – Victims who have health insurance and go to an out of network provider will need to submit those bills to their insurance company since their insurance may pay a portion of the bill. However, VCAP will continue processing the counseling bills without the explanation of benefits statements. The claimant will be advised that once they submit those bills to their insurance company, the Program will need a copy of the explanation of benefit statement from the insurance showing payment or denial. If the payment is received from insurance the victim will need to reimburse the Program the amount paid by insurance. If the claimant submits to their insurance and is denied and the claimant continues with the service, VCAP would only need to see the denial one time for payments to continue.

If a victim or claimant utilizes a non-participating provider but is unable to provide justification for doing so, VCAP may consider reimbursement of what the copays or deductibles would have been had they used a participating provider. Documentation must be submitted which verifies the amounts.

**FOR EXAMPLE:**

\$100 Counseling charge.

\$ 75 Insurance would have paid if utilized.

\$ 25 Co-pay that is the victim's responsibility to pay

The VCAP may consider reimbursing the victim the \$25 co-pay, upon receipt of proper documentation.

6. Provide any information that documents the claimant's relationship to the direct victim, the claimant witnessing the crime or the claimant's discovery of the homicide victim. Examples of supporting documents required to process the claim are outlined in the following chart.

<b>Victims Eligible for Counseling</b>	<b>Supporting Documents That May Be Required to Verify the Relationship of the Claimant to the Victim</b>
Witness physically present at the crime scene & witnesses a violent crime.	A police report, which the VCAP will obtain. If the witness is not listed in the police report, a written statement provided by someone who could substantiate that the witness was at the scene. It would be preferred if the person preparing the written statement appears in the police report.
Relative of Direct Victim	Copy of a birth certificate, if applicable, or other identifiable information acknowledging the relationship to the direct victim.
Anyone Engaged to the Direct Victim	An engagement announcement or a copy of the application for a marriage license. If neither is available, a written statement from the engaged individual plus a written statement from a family member acknowledging the intent of the union.
Shared Household	A copy of any type of documents, such as bills or lease/mortgage agreement that indicates the same address for the direct victim and the victim/claimant filing for counseling expenses.
Discovers Homicide Body	A police report that the VCAP will obtain.
Responsible for the Direct Victim's Welfare	Foster parent documentation, guardianship papers or any other documentation that would show that the victim filing for counseling is an individual responsible for the direct victim's welfare.

7. The Program sends out a verification form to the identified counselor, known as the Mental Health Treatment Estimate Form. This form asks for information such as the:

- Mental health practitioner's name and degree
- License number
- Estimated length of continuous treatment
- Estimated cost of treatment
- Percentage of the treatment provided as a direct result of the crime, and
- If the patient is not the direct victim, their relationship to the victim.
- Whether the therapist, having reasonable cause to suspect abuse, has complied with the duty to report pursuant to the Child Protective Services law.

If a counselor certifies that less than 100% of the service provided is related to the crime, then VCAP will only pay the percentage certified as being crime related. This applies to any amount paid by the victim, or any amount due and owed to the provider.

Example: A victim of an assault is receiving counseling and the charge is \$100 for each visit. The victim's insurance requires a \$25 co-pay per visit. The counselor certified that 50% of the counseling is related to the crime. The Program will apply the percentage to the \$25 co-pay and reimburse the claimant \$12.50. **NOTE: Mileage will be paid in full regardless of what percent of the counseling is related to the crime.**

If the crime involved is a homicide, the conduct of the direct victim will not be considered for claims filed by eligible claimants for counseling. In other words, even if the deceased victim was involved in illegal activity that caused the crime, such as a drug deal, and the claim was denied, eligible family members are still eligible to file for counseling.

## *Counseling Q & A*

- Q** A man is shot and later dies as a result of the gunshot wound. A claim filed by his mother for funeral expenses was denied because of illegal activity deemed to be causally connected to his death. Is the mother eligible for counseling?
- A** *Yes. By law, in homicide cases, the conduct of the direct victim will not be considered for claims filed for counseling.*
- Q** A 25-year-old woman is murdered in her apartment. Her roommate had taken the victim's child with her to the store at the time and the victim's fiancé, who did not live with her, was at work. Who is eligible for counseling?
- A** *Anyone related to the victim within the second degree of consanguinity or affinity is eligible for counseling regardless of whether they resided in the same household. The roommate and fiancé are also eligible for counseling.*
- Q** As a follow-up to the above answer. If the victim's mother, father, child, roommate and fiancé all decide to go to counseling, will their expenses impact the reimbursement of funeral expenses and the loss of support payments for the child?
- A** *No. If each person exhausted the \$5,000 limit for counseling, it will have no impact on the other benefit expenses/losses. Costs associated with counseling are over and above the \$35,000 maximum award.*
- Q** A victim chose to seek treatment for mental health counseling from a provider who does not participate with his/her insurance. Is the victim eligible for compensation for the counseling expenses?
- A** *These circumstances are handled on a case-by-case basis. The Program would require the victim/claimant to provide as much information/documentation up front as to why he/she did not seek treatment through their insurance plan. Some examples of why someone wouldn't seek treatment from a provider in their network might be as follows:*
- *There wasn't a skilled counselor in their area who deals with minor children who have been sexually abused.*
  - *The counselor they sought treatment with was highly recommended because he/she specializes in the treatment of sexual assault victims.*
  - *The claimant did seek treatment from a participating provider, however the provider felt that they had exhausted all of their available resources and was no longer able to help the victim. The provider then decides it is necessary to seek treatment from another counselor who specializes in this type of therapy. Verification of this information is then investigated by the Program.*
  - *If the victim does not use a participating provider, regardless of the reason, the Program may still consider payment for the amount that **would not** have been paid by the insurance, such as deductibles or co-pays. The victim would still need to check with their insurance for possible out of network insurance reimbursement. (See earlier in this Chapter.)*

- Q** Two sisters split the cost of funeral home and burial services for their mother, who was a victim of a homicide. They each file a claim for the costs. Are the sisters eligible for mileage to their counseling appointments?
- A** *Yes, since each sister paid for funeral expenses, they are eligible to file for the costs of these expenses and are both eligible for mileage reimbursement to counseling. This is only intended for those paying for funeral home and burial benefits. If the mother's sister paid, for example, funeral flowers, he/she would not be eligible for mileage to counseling.*
- Q** The 19 year old sister of a homicide victim has recently started counseling due to the death of her sister. However, the homicide occurred five years ago, and the funeral arrangements were taken care of by the victim's father, who previously filed a claim for these expenses. Is the sister now eligible to file for counseling?
- A** *Unfortunately, no. By law, a claim must be filed by a claimant within two years of the occurrence of the crime. Had the sister made the funeral arrangements or paid for funeral related expenses and had filed within the two year timely time, then she would be eligible for counseling.*
- Q** The 6 year old brother of a homicide victim has recently started counseling due to the death of his sister. However, the homicide occurred three years ago, and the funeral arrangements were taken care of by the victim's parents who previously filed a claim for these expenses. Are the counseling expenses for the victim's brother eligible under VCAP?
- A** *Yes, since the claimant for the brother's claim will be the same who timely filed previously for funeral benefits, the Program is able to consider a claim for the brother's counseling.*
- Q** A 9 year old victim was sexually assaulted by his grandfather. A claim was filed by mom on his behalf and the Program paid maximum for his counseling. Four years later, mom files a claim for her own counseling, however, it is now beyond two years of the discovery of the crime. Is mom's claim eligible for counseling reimbursement?
- A** *Yes, as in above, since mom was the claimant for the direct victim's claim-which was filed by mom within required time period-the Program is able to consider a claim for her counseling.*