

Sexual Assault Counseling Claims

On November 26, 2019, Governor Wolf signed [House Bill 962](#) into law. The bill added a new section under 42 Pa.C.S. §9730.3, which provides for counseling services for victims of sexual abuse. \$5 million must be transferred to the Crime Victims Compensation Fund to be distributed by the Victims Compensation Assistance Program (VCAP) in the Pennsylvania Commission on Crime and Delinquency (PCCD) to immediately begin the administration of this counseling program.

Unlike standard VCAP claims, sexual assault victims seeking counseling services related to their abuse under this new claim process are not required to have reported the assault to police or other authorities to be eligible to receive these counseling benefits. Other considerations typically taken up during the VCAP process, such as late filing, conduct, or non-cooperation, are also not included in this new claim process.

Eligibility:

A direct victim of sexual abuse* which occurred in Pennsylvania, who did not report or does not want to report the crime to authorities, is eligible to submit a claim for counseling services related to their abuse. Direct victims of sexual abuse who do not meet other eligibility requirements to file a standard VCAP claim, or who may have been denied a VCAP claim in the past, are also eligible for this benefit.

*Direct victim is defined as an individual against whom a crime has been committed or attempted and who as a direct result of the criminal act or attempt, suffers physical or mental injury. The sexual abuse must have occurred in Pennsylvania and may include rape, sexual assault, indecent assault, indecent exposure, trafficking, sexual servitude, incest and sexual abuse of children. The full list of crimes constituting sexual abuse can be found in the [law](#) on page 11 of the bill.

Eligible Counseling Expenses:

Counseling services is defined as mental health therapy performed by, or under the supervision of, a psychiatrist, psychologist, licensed professional counselor, or licensed social worker. A direct victim of sexual abuse who at the time of the crime was 18 years of age or older is potentially eligible for up to \$5,000 in counseling services. A direct victim of sexual abuse who at the time of the crime was under 18 years of age is potentially eligible for up to \$10,000 in counseling services.

Based on the effective date of the law, counseling expenses can only be considered for counseling service dates on or after **November 26, 2019** that are owed to the health care provider. **NOTE:** Only health care providers are eligible to receive direct payment for these claims (see **Payment of Counseling Services** below for more information).

How to File a Sexual Assault Counseling Claim Form:

A direct victim/claimant must first submit a completed [Sexual Assault Counseling Claim form](#). Once in receipt of the claim form, PCCD's Victims Compensation Assistance Program staff will reach out to the claimant and their health care provider for copies of itemized bills, insurance benefit statements, and other similar paperwork to complete the claim process.

At this time, PCCD's Victims Compensation Assistance Program can only accept paper forms for Sexual Assault Counseling Claims. The claim form can be found [HERE](#). A claim form can also be obtained by calling 1-800-233-2339 or emailing [ra-davesupport.@pa.gov](mailto:ra-davesupport@pa.gov).

Payment of Counseling Services:

Again, based on the effective date of the law, counseling expenses can only be considered for counseling service dates on or after **November 26, 2019** that are owed to the health care provider.

Please note that the law requires that the total value of counseling services (i.e., the \$5,000 or \$10,000 counseling service limit) shall be reduced by the amount of any the following payments received or to be received by the direct victim: by the individual who committed the sexual abuse; under an insurance program or a health and welfare program; under a contract of insurance in which the claimant is the beneficiary; from public funds; under a pension program; by a party alleged to be responsible in whole or in part for the sexual abuse, without regard to the party's criminal culpability; or payment already made under the Crime Victims Act. PCCD staff will work with the health care provider and the direct victim/claimant to determine the amount eligible to be paid directly to the health care provider.

Since the law specifically states that funds can only be paid for counseling expenses owed to the health care provider, in instances where the claimant pays out of pocket, PCCD will attempt to make arrangements with the health care provider to reimburse the claimant so that PCCD can make the direct payment to the health care provider. No payment will be made until verification has been received that the claimant has been reimbursed by the health care provider.

Frequently Asked Questions

Can direct victims file for medication expenses, transportation expenses, or loss of earnings under the Sexual Assault Counseling Claim process? No, the law only covers counseling services, which is defined as mental health therapy performed by or under the supervision of a health care provider (i.e., a psychiatrist, psychologist, licensed professional counselor or social worker).

Are copays covered for reimbursement under the Sexual Assault Counseling Claim process? Yes, but only if they are owed to the health care provider. If the claimant paid the copay, the health care provider would need to reimburse the claimant. Once reimbursement was made, the program could reimburse the health care provider for the expenses.

If a direct victim has insurance, can they go out of network? Yes. An out-of-network explanation is not required for these claims.

Is the relative of a direct victim eligible? No, only the direct victim of sexual abuse occurring in Pennsylvania is eligible for counseling services under the Sexual Assault Counseling Claim process.

Is there a minimum loss requirement? There is no minimum loss requirement.