Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part XIII. Crime Victims Reparations Board

Chapter 1. Authority and Definitions

§101. Authority

A. Rules and regulations are hereby established by the Crime Victims Reparations Board by order of the Crime Victims Reparations Act, R.S. 46:1801 et seq., Act 250 of the 1982 Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:537 (May 1994).

§103. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Accessory—an accessory after the fact and also a principal, as defined by the Louisiana Criminal Code.

Board—Crime Victims Reparations Board.

Child—unmarried person under 18 years of age; includes a natural child, adopted child, stepchild, illegitimate child, any of the above who is a student not over 23 years of age, and a child conceived prior to but born after the personal injury or death of the victim.

Claimant—a victim or a dependent of a deceased victim, or the legal representative of either, an intervenor, the healthcare provider who provides healthcare services associated with a forensic medical examination as defined in R.S. 15:622, or in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime.

Collateral Source or Resource—source of benefits for pecuniary loss awardable, other than under these rules, which the claimant has received or which is readily available to him/her from any or all of the following:

a. the offender under an order of restitution to the claimant imposed by a court as a condition of probation or otherwise;

b. the United States or a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states;

c. Social Security, Medicare, and Medicaid;

d. Workers' Compensation;

e. wage continuation programs of an employer;

f. proceeds of a contract of insurance payable to the claimant for pecuniary loss sustained by the claimant by reason of the crime.

g. a contract providing prepaid hospital and other health care services, or benefits for disability.

Dependent—spouse or any person who is a dependent of a victim within the meaning of Section 152 of the United States Internal Revenue Code.

Healthcare Provider—either of the following:

a. a physician or other healthcare practitioner licensed, certified, registered or otherwise authorized to perform specified healthcare services consistent with state law;

b. a facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting.

Healthcare Services—means services, including but not limited to items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease ancillary to a sexually-oriented offense.

Pecuniary Loss—amount of expense reasonably and necessarily incurred by reason of personal injury as a consequence of death, or a catastrophic property loss, and includes:

a. for personal injury:

i. medical, hospital, nursing, or psychiatric care or counseling, and physical therapy;

ii. actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury; or the receipt of medically indicated services for a victim related to the personal injury.

iii. care of a child or dependent;

iv. counseling or therapy for the parent(s) or sibling(s) of a child who is the victim of a sexual crime;

v. Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss for personal injury;

b. as a consequence of death:

i. funeral, burial, or cremation expenses;

ii. loss of support to one or more dependents not otherwise compensated for as a pecuniary loss for personal injury;

iii. care of a child or children enabling the surviving spouse of a victim or the legal custodian or caretaker of the deceased victim's child or children to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury;

iv. counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim;

v. *pecuniary loss* does not include loss attributable to pain and suffering;

vi. crime scene cleanup;

c. catastrophic property loss must be so great as to cause overwhelming financial effect on the victim or other claimant and shall be restricted to loss of abode;

d. any other expense associated with the collection and securing of crime scene evidence.

Reparations—payment of compensation in accordance with the provisions of the act for pecuniary loss resulting from physical injury, death, or catastrophic property loss by reason of a crime enumerated in the act.

Sexually-Oriented Criminal Offense—includes any offense listed as a sexual offense in R.S. 15:541(24).

Victim—

a. Any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by this Chapter. This includes any person who is a victim of human trafficking as defined by R.S. 14:46.2, a victim of trafficking of children for sexual purposes as defined by R.S. 14:46.3, or a victim of any offense involving commercial sexual exploitation including but not limited to R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 194.1, 95 and 282.

b. a resident of Louisiana who is a victim of an act of terrorism (as defined in Section 2331 of Title 18, *United States Code*) occurring outside the U.S.; or

c. a Louisiana resident who suffers personal injury or death as a result of a crime described in R.S. 46:1805 except that the criminal act occurred outside of this state. The resident shall have the same rights under this Chapter as if the act had occurred in this state upon a showing that the state in which the act occurred does not have an eligible crime victims reparations program and the crime would have been compensable had it occurred in Louisiana. In this Subparagraph, *Louisiana resident* means a person who maintained a place of permanent abode in this state at the time the crime was committed for which reparations are sought.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 23:861 (July 1997), LR 24:327 (February 1998), LR 37:1605 (June 2011), LR 42:569 (April 2016).

Chapter 3. Eligibility and Application Process

§301. Eligibility

A. To be eligible for compensation, an individual must have suffered personal injury, death or catastrophic property loss as a result of a violent crime.

1. Victim Conduct and Behavior

a. The Crime Victims Reparations Board may vote to deny or reduce an award to a claimant who is a victim, or who files an application on behalf of a victim, when any of the following occurs.

i. The victim was assisting, attempting, or engaging in an illegal activity that substantially caused the injuries that are the basis for the claim.

ii. The victim committed a felony offense or was serving a sentence for a felony offense committed within five years prior to the date of victimization or five years subsequent to serving the sentence.

iii. The victim contributed to or provoked the offense through his/her own misconduct.

b. Safety Belt Use by Vehicle Occupants

i. As Louisiana requires all vehicle occupants to use seat belts, victims not wearing a safety belt and injured or killed by a driver in violation of R.S. 14:98 (DWI), hit and run, or other intentional acts will have their award reduced, if found eligible otherwise.

ii. The total maximum award allowed under current policy will be reduced by 50 percent.

c. The following factors shall not be considered a reason for denying or reducing an award to a claimant who is a victim of a sexually oriented criminal offense, or who submits a claim on behalf of a victim of sexual assault:

i. the manner in which the victim was dressed at the time of the sexually oriented criminal offense;

ii. where the victim was located prior to the sexually oriented criminal offense;

iii. the time of the sexually oriented criminal offense;

iv. the occupation of the victim;

v. whether the victim:

(a). was or may have been under the influence of alcohol or drugs;

(b). had a previous sexual relationship with the alleged offender;

(c). was married to the alleged offender;

(d). was dating the alleged offender;

(e). consented to prior sexual activity with the alleged offender;

(f). has a history of being a victim of prior sexually oriented criminal offenses;

(g). has a criminal record;

(h). consented to the sexually oriented criminal offense if the victim is below the age of consent, mentally incapacitated or physically helpless;

(i). continued to live with an alleged offender after the assault;

(j). has a familial relationship to the alleged offender.

2. Collateral Sources

a. Restitution

i. The board reserves the right to make an award to a victim/claimant when a court of law has ordered restitution by the defendant;

ii. if the board makes an award, the court will be contacted with a request for a change in the court order to reflect that payments are to be made to the Crime Victims Reparations Fund for the amount paid by the board.

b. Insurance

i. The victim/claimant must process any potential insurance before applying for reimbursement of mental health claims, except for victims of sexually oriented criminal offenses.

ii. For claims that pertain to victims of sexually oriented criminal offenses, the victim has the discretion to choose whether or not to file for private insurance or Medicaid coverage.

3. Unjust Enrichment

a. When determining unjust enrichment or substantial economic benefit to offenders in applications involving domestic violence, the board will consider the following factors.

i. Has the victim reported the incident to the authorities and has the victim cooperated with their reasonable requests?

ii. In determining whether enrichment is substantial or inconsequential, factors to be considered include:

(a). the amount of the award;

(b). the total amount of income to the household; and

(c). whether a substantial portion of the award will be used directly by or on behalf of the offender.

b. If the offender has direct access to a cash award and/or if a substantial portion of it will be used to pay for his living expenses, that portion of the award that will substantially benefit the offender may be reduced or denied.

c. The availability of collateral resources, including but not limited to court-ordered restitution and medical insurance, will be examined. A determination shall be made:

i. as to whether the offender has a legal responsibility to pay;

ii. whether the offender has resources to pay;

iii. whether payment is likely.

d. The victim shall not be penalized for the failure of an offender to meet legal obligations to pay for the costs of the victim's recovery.

e. If the offender fails to meet legal responsibilities to pay restitution or provide for the medical and support needs of a spouse or child, or if the offender impedes payment of insurance that may be available to cover a spouse's or child's expenses, the program should attempt to meet the victim's needs to the extent allowed.

f. Payments to third-party providers will be made wherever possible.

g. Child victims will not be penalized by denying or delaying payment when offender or collateral resources are not forthcoming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 31:2009 (August 2005), LR 35:65 (January 2009), LR 36:2278 (October 2010), LR 37:1605 (June 2011), LR 41:1487 (August 2015).

§303. Application Process

A. Claimant Responsibility

1. Applications for reparations must be submitted to the sheriff's office in the parish where the crime occurred except for claims involving an adult victim of a sexually-oriented criminal offense. Applications involving an adult victim of a sexually-oriented criminal offense are sent directly to the board office;

2. Applications:

a. must be signed and dated by the victim/claimant. If the victim is a minor, the parent or guardian is the claimant and must sign. If the victim is deceased, the person responsible for the expenses can be the claimant and must sign the application;

b. victims of sexual assault may assign their right to collect medical expenses associated with the sexual assault to a hospital/health care facility; however, the cost of the forensic medical examination is not reimbursable by the board as provided in §503.M.2. The hospital/health care facility may then apply for reparations for these expenses.

c. victims of sexual assault may assign their right to collect medical expenses associated with the sexual assault

to a hospital/health care facility. The hospital/health care facility may then apply for reparations;

d. An adult victim of sexually-oriented criminal offense is not required to report the crime to any law enforcement officer in order to file an application. However, if the victim chooses to report the sexually-oriented criminal offense, then the victim may take up to a year from the date of the crime to report it.

e. If a victim chooses not to report the crime to a law enforcement officer, he or she must submit a certification from a healthcare provider or coroner that a forensic medical examination of the victim was conducted.

3. The claimant must list each expense being claimed.

4. An itemized bill, not a billing statement, must accompany the application for each expense claimed.

5. All invoices, bills, etc. must indicate the victim/claimant as the guarantor, except for victims of a sexually-oriented criminal offense. Victims of a sexually-oriented criminal offense cannot be billed for costs associated with a forensic medical exam.

6. The victim/claimant is required to use claim forms to seek additional compensation after the original award is made.

B. Sheriff's Office Responsibility

1. Each sheriff will designate at least one staff member to handle the applications of crime victims for the board.

2. The sheriff's staff person, called the claim investigator, will distribute the most current applications, receive, process, and forward them to the board office in a timely manner.

C. Board Staff Responsibility

1. Check distribution will be as follows:

a. Provider checks will be issued directly to providers from the board office.

b. Victim/claimant checks will be mailed directly from the board office unless the sheriff specifies that he wishes to have them mailed directly to the sheriff's claim investigator for personal distribution.

D. Appeals

1. If an application is denied and the victim/claimant desires to appeal the board's decision, the victim/claimant must file the appeal within 60 days from the date of the denial letter.

2. The appeal letter should furnish the board with any new information not yet provided that the victim/claimant desires to have presented.

3. The appeal will be scheduled for the next available agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended by the Office of the Governor, Crime Victims Reparations Board, LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016).

Chapter 5. Awards

§501. Payment of Awards

A. Only verified expenses can be reimbursed.

B. Verification of Claimed Expenses

1. Each type of claim form used by the board should identify the documents that must be submitted by the victim/claimant to support and verify a claimed expense.

2. When applications lack documentation necessary for a decision or award in total or in part, and adequate effort has been made to acquire that information, the application will be placed on an agenda and the decision and award will be based on that information available. Should the formerly sought information become available, a supplemental application can be filed.

C. Awards to eligible victims or claimants for expenses incurred but not yet paid may be made payable directly to the providers.

D. All checks to providers when paid at less than the full balance owing are marked "paid in full."

E. If a provider refuses a board check, the check will be reissued to the claimant for the same amount as approved.

F. In those instances in which:

1. an application has been approved for an award; and

2. payment is being made directly to the provider; and

3. the check either has not been sent or has not been negotiated by the provider; and

4. the claimant notifies the board that he has paid the bill, upon verification and return of the check, the check will be voided and reissued for the same amount to the claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), repromulgated LR 22:710 (August 1996), amended LR 24:328 (February 1998).

§503. Limits on Awards

A. General

1. There will be a $10,000 limit for awards for all victims with the exception of those primary victims who become totally and permanently disabled as a result of the crime. For those awards, the board may, at its discretion, award up to $25,000, depending on availability of funds its administrative rule limits for certain award benefits, and the extent, if any, of collateral resources. For purposes of this Section:

a. a victim is "totally and permanently disabled" if the victim has a physical or mental impairment that substantially precludes them from obtaining gainful employment and appears reasonably certain to continue without substantial improvement throughout their life;

b. the board reserves the right to obtain an impartial medical expert, at its expense, if necessary, to assess the degree of disability of the victim.

2. All applications filed as the result of the death of a victim will be assigned one claim number with the deceased listed as the primary victim. Each additional claimant and/or secondary victim must submit a separate application with the appropriate claim form(s) and supporting documents. The aggregate claims arising out of the same crime will be subject to the maximum amount authorized by law.

3. Forensic medical examinations shall not exceed $1,000 for each case.

B. Attorney Fees

1. The board does not reimburse victims for fees charged by an attorney to prepare an application or represent the victim in any way unless the fees result from a hearing ordered by the board.

2. Those reimbursable charges are set at a maximum of $50 per hour for a total of five hours or $250.

3. The appeals process does not constitute a hearing. Thus, any fees charged by an attorney to represent a victim/claimant at an appeal are not compensable.

C. Funeral Expenses

1. The board will reimburse up to a maximum of $5,000 to cover reasonable expenses actually incurred for the funeral, burial, or cremation. (effective January 1, 2009).

2. Death and/or burial insurance taken out specifically for the purpose of burial must pay first. The amount of life insurance proceeds paid is no longer considered as a collateral source for funeral expenses.

D. Lost Wages/Earnings

1. When lost wages are part of a claim, lost wages will be considered before out-of-pocket or other medical expenses are considered.

2. The inability to work must be directly related to the victimization and documented by the appropriate medical doctor. That medical opinion is subject to professional review and audit.

3. Violently assaulted victims who do not require medical intervention (i.e., doctor visit, emergency room treatment) will be allowed a reimbursable recuperation period:

a. if no sick time or other compensation is available, the board may grant up to five working days of lost wages;

b. wage verification by the employer is required.

4. The board may reimburse lost wages/earnings as follows:

a. 80 percent of the gross weekly wage of the victim. For seasonal or part time wages, the amount shall be calculated at 80 percent of the average weekly wage;

b. for loss of income from work by the parent or legal guardian of a minor victim who must miss work to obtain or provide the medically indicated services or care for the personal injury.

5. If workers' compensation or other private disability/income protection insurance is available, those policies must be paid out first before the board considers a claim for lost wages.

6. If the victim cannot return to work, the lost wage period may include future lost wages.

7. If a person is not gainfully employed or is not receiving entitlement at the time of the crime, then no lost wages can be determined nor awarded. However, an award for loss of wages based on seasonal, nonsalaried or intermittent work, or a bona fide offer of employment may be based on an average net anticipated salary for the period of employment.

8. Only the following list of physicians can legally determine physical disability:

a. medical doctor;

b. oral surgeon;

c. psychiatrist;

d. physiatrist;

e. ophthalmologist;

f. surgeon.

9. If a victim is initially treated by one doctor and that doctor refers the victim to another doctor, the referral doctor can determine disability from the date of the incident.

E. Loss of Support

1. For loss of support for a surviving spouse or other dependent to be considered, the following documentation must be provided:

a. death certificate signed by the coroner;

b. individual federal and state tax return for year before the crime to show dependency of claimant;

c. employment/wage verification completed and signed by the victim's employer;

d. verification of life insurance claimed by dependent filing application; and

e. documentation that Social Security or other pension benefits are not available to surviving spouse or dependents.

2. Loss of support for a surviving spouse may be awarded at the discretion of the board when no other

collateral resources exist and the inability to work exists or the opportunity to find work could be delayed due to age, frailty, and lack of previous work experience.

3. The board will reimburse loss of support with a maximum of $10,000.

a. The board may award loss of support up to the maximum amount per week authorized for lost wages in §503.D.4. That amount is based on net, after-tax, or take home pay.

b. When only gross income is provided by a claimant, then the board will award the loss of support at 80 percent of the amount authorized in §503.D.4 for lost wages.

F. Ambulance

1. A maximum of $300 for regular ambulance transport. A maximum of $500 exists for air medical transport.

2. Air transport services are considered ambulance services and reimbursed as such.

3. The medical portion of the ambulance bill is to be considered as a medical cost and paid at the medical per cent consistent with all other claims for that claimant.

4. If the ambulance bill is part of the total hospital bill and the total hospital bill is under $10,000, the ambulance transfer bills will be isolated and paid separately. If the total bill is over $10,000, the ambulance charges will not be isolated for payment.

G. Medical Expenses

1. The board reserves the right to audit any and all billings associated with medical care. All treatment must be considered "usual and customary" and be directly related to the victimization.

2. The board will not pay any interest, finance, or collection fees as part of the claim process.

3. The board will pay 70 percent of all outstanding charges after any third-party payment sources up to the statutory limits.

4. If the total outstanding charges exceed the case cap of $10,000, then all providers listed in the claim will be paid out at that actual percentage those bills are in relation to the available case funds.

5. Out-of-pocket paid monies will be reimbursed to the victim prior to applying this payment schedule.

6. Psychiatric Inpatient Hospitalization. It is the opinion of the board that any psychiatric inpatient hospitalization required by a crime victim would be very acute and crisis management in scope. Compensation for such care will require a peer review as described in §503.I.3.

a. The board will not reimburse for more than seven days of psychiatric inpatient hospitalization at a cost of no more than $700 per day. This is intended for an acute hospitalization with the goals of emotional stabilization and placement in outpatient treatment.

b. The board will not reimburse more than one psychological evaluation (as defined in §503.I.5).

i. The board will not reimburse for any intake evaluation or psychological testing.

ii. The board will not reimburse for any more than one in-patient treatment, group or individual, per day. Support or family day sessions and "community" meetings are not reimbursable.

iii. All provider/therapist/s charges are reimbursed at the same hourly rate as out-patient mental health services, that is:

(a). M.S./M.S.W. (O.P.C./B.C.S.W.): $75/hour

(b). Ph.D./M.D. (Board Certified): $85/hour

(c). Group therapy: $30/session

c. Therapeutic groups outside the per diem charge of the hospital will not be reimbursed.

d. All therapist charges that are outside the per diem charge of the hospital will be limited to no more than one session per day at a rate described in §503.I.8.

7. Only those medicines and drugs prescribed by a licensed physician are compensable.

8. Reimbursable providers include licensed medical doctors, dentists, eye doctors, chiropractors, osteopaths, pediatrists, psychiatrists psychologists, physical therapists, etc.

9. Compensable medical services include emergency ambulance service, medical examinations, X-ray and laboratory services, whirlpool baths ordered by a doctor.

10. Only services of a nurse as prescribed by a licensed physician are compensable.

11. Aids such as hearing aids, false teeth, eyeglasses, contact lenses, crutches, and wheelchairs needed as a direct result of the crime or that were damaged or destroyed during the crime are compensable.

H. Travel Expenses. Transportation costs other than the initial ambulance services are reimbursable only when required medical care is not locally available. Certification is required by the physician of record that local medical care is unavailable. Allowable private vehicle mileage for out-of-town travel is reimbursed at the rate published in the current state travel regulations.

I. Mental Health Counseling

1. It is the board's opinion that the majority of those directly victimized by violent crime (e.g., *primary victims*) can obtain significant improvement within the first six months of qualified counseling. The board recognizes that short-term crisis management counseling may also be needed for *secondary victims* (defined as *primary family members or cohabitors of the victim*).

2. Reimbursement of mental health services is limited to six months from the date of the first visit or after the first 26 qualified sessions/groups (whichever comes first).

3. Cases which extend beyond the allowable time limit will be subject to a peer review by a psychiatrist or psychologist, licensed by the state of Louisiana, consulting with the board. Peer review will involve an examination of the following:

a. complete progress notes for crime-related conditions(s) being treated;

b. any psychological evaluations/testing pertaining to the crime-related condition;

c. description of prior conditions or treatments;

d. current treatment and treatment response to date; and

e. updated treatment plan.

4. Limits on Charges

a. For the life of each claim, reimbursable charges may not exceed $2,500. These limits include the cost of all treatment services and psychological or neuropsychological evaluations/testing as described in §503.I.8. Victims/claimants may apply for an additional $2,500 in reimbursement when there is a documented need for long-term mental health services.

b. All applications for extended reimbursement will require a formal psychological or neuropsychological evaluation/testing that clearly documents the need for extended mental health treatment.

c. All applications for extended reimbursement of mental health expenses are subject to peer review by a psychiatrist or psychologist, licensed by the state of Louisiana, consulting with the board.

5. Limits on Evaluation/Testing

a. Psychological evaluation/testing may not exceed $800 and neuropsychological evaluation/testing may not exceed $1,500.

b. Any evaluation/testing must be conducted by a licensed psychologist and should include the following:

i. description of any structured interview used;

ii. description and results of testing administered;

iii. case formulation and DMS-IV diagnoses.

c. case formulation and DSM-IV diagnoses.

6. Treatment plans completed by the therapist of record (or primary therapist) are required for consideration of mental health expenses. The therapist must show that the psychological condition being treated is a direct result of the crime. Treatment plans must be fully documented in a "problem" and "intervention" format. Detail must be provided for both symptom and intervention. Single word descriptors such as "nightmares" or "supporting counseling" will not suffice. Insufficient treatment plans will be returned to the therapist and the case may be deferred or denied until revised.

7. All payments for services are subject to review and audit by the board.

8. Rates for Reimbursement

a. Only physicians, psychiatrists, state certified or state licensed psychologists, licensed professional counselors, or board-certified social works are eligible for reimbursement.

b. The rates for reimbursement shall be:

i. M.D./Psychiatrists $85/hour;

ii. Ph.D. or Psy.D. Licensed Psychologists; $85/hour

iii. Licenses Professional Counselors $75/hour;

iv. Board-Certified Social Worker $75/hour;

v. Group Therapy Rates (90 minute) $30/session.

9. It is the board's assessment that psychiatric inpatient hospitalization of crime victims is rarely required. If under unusual circumstances such treatment is required, compensation will be subject to a peer review as previously described. Reimbursement for such treatment is limited in amounts and procedures listed under "medical" services.

10. Any claim for injuries sustained may be denied if prescribed or preempted as a matter of law.

J. Catastrophic Property Loss

1. A maximum of $10,000 may be awarded if a victim's abode is owned and the abode/contents are destroyed by criminal act.

2. This must produce a "verifiable" overwhelming financial effect for that person.

3. This is considered when no insurance exists or the ability to rehabitate the structure is precluded due to lack of personal resources.

K. Vehicular Incidents

1. Eligible expenses include those resulting from death or personal injury as outlined in the statute if they are incurred resulting from DWI or hit and run offenses, fleeing felon incidents, or injuries intentionally inflicted with a motor vehicle, boat or aircraft.

2. Vehicular accident related injuries, other than those caused by the above are not compensable.

L. Child Care Expenses

1. Pre-existing child care costs are not reimbursable if those same costs were being incurred prior to the crime.

M. Crime Scene Evidence

1. Expenses associated with the collection and securing of crime scene evidence are limited to:

a. reasonable replacement costs for clothing;

b. bedding; or

c. property seized as evidence or rendered unusable as a result of a criminal investigation or lab test.

2. Medical Examination of Sexual Assault Victims

a. Costs of the forensic medical examination are reimbursable by the Crime Victims Reparations Board (CVR Board) under this Section and payable directly to the healthcare provider who provides the service. All other expenses related to victims of sexual assault are reimbursable by the board subject to the maximum permitted by law and the provisions of the Crime Victims Reparations Act and its administrative rules.

b. In instances where the sexual assault victim assigns his or her rights to collect reparations for reimbursable medical expenses beyond those associated with the forensic medical examination to the hospital/health care facility, the hospital/health care facility must submit the following items directly to the CVR Board within one year of the date of service in order to receive reimbursement:

i. victim of sexual assault assignment of rights form, signed by the victim;

ii. hospital/health care CVR application;

iii. itemized bill for services rendered.

c. The sexual assault victim may submit these expenses to his or her private insurance or other third-party payor. If these expenses are paid by insurance or other third-party payor, the hospital/health care facility may file an application with the CVR Board for any unreimbursed expenses.

d. Nothing in this Section shall preclude a sexual assault victim or claimant from filing a regular or emergency application for additional benefits.

3. Healthcare providers shall be reimbursed for expenses associated with providing a forensic medical exam in the same amount as provided for in the Medicare fee schedule for the Louisiana region. The total amount reimbursable to all providers per forensic medical exam shall in no case exceed $1000.

N. Crime Scene Cleanup

1. Crime scene cleanup means the removal or attempted removal of blood, stains, odors, broken glass, impurities or other debris caused by the crime or the processing of the crime scene where the crime occurred.

2. Expenses for crime scene cleanup may not exceed total costs of $2500.

3. Types of allowable expenses for clean up include:

a. equipment rental;

b. disinfecting and cleaning supplies;

c. professional cleaning services insured for that purpose.

4 Expenses for crime scene cleanup cannot be used for:

a. property repair;

b. replacement of personal property;

c. costs not directly billed to victim and/or claimant.

O. Loss of Support for Child Victim in Sexual Crimes

1. Loss of support may be paid on behalf of a child victim of a sexual offense if the offender was providing support through employment or a benefits program before the date the crime was committed.

2. Claimant qualifications:

a. must be a parent, or legal guardian of the minor child(ren);

b. must provide documented proof that offender supported the home and minor child victim;

c. is only eligible if the offender is incarcerated.

3. The board may award loss of support up to:

a. $7500 maximum per victim;

b. maximum amount per week for loss of support is the same authorized for lost wages in §503.D.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR:37:1605 (June 2011), LR 39:1042 (April 2013), LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016).