

Crime Victim Compensation QUARTERLY

Issue #3

2012

I N S I D E

- **Successful Regionals Held in Nashville, Seattle**
- **Supreme Court Issues Mixed Decision on Health-Care Reform Law**
- **Bereavement Leave and Tuition Reimbursement Survey Results**
- **State Maximums Remain Largely Unchanged; Funeral Benefits Rise**

More Than 250 From 50 States Attending National Conference

The National Training Conference in Atlanta brings more than 250 people from all 50 states to discuss the most current and pressing issues facing state administrators of compensation and assistance funding. Four days of workshops, presentations, and informal discussions will focus on a wide variety of topics and enable excellent opportunities for colleagues to network and strategize to improve their programs, as well as to understand and influence national trends and developments.

The National Association of Crime Victim Compensation Boards joins its colleagues in the National Association of VOCA Assistance Administrators in presenting the conference, with

grant support from the federal Office for Victims of Crime.

The conference kicks off with OVC Director Joye Frost describing the progress of her office's Vision 21 initiative. Vision 21's goal has been to examine the current framework of the crime victims' field, explore new and existing challenges, and advance the state of victim services in the U.S. Another featured speaker will be Georgia First Lady Sandra Deal.

More than 45 workshops, presentations, and roundtable discussions fill the three days of the conference. Among the topics

to be explored are the latest developments in defining mental illness and effective therapies; customer service concepts as applied to compensation programs; elder abuse; performance measures; cultural competence; the impact of exonerations on victims; crime victim-related initiatives emanating from the Centers for Disease Control; mortgage fraud; restitution recovery; working effectively with Native Americans and their tribal governments;

challenges in helping sexual assault victims; achieving fiscal stability with minimal impact on claimants; quality assurance; assisting military families; costs and consequences of adding new benefits; and several open roundtables in which participants will define

discussion topics. A host of workshops focused on effective administration of VOCA assistance grants also will be held.

Georgia's Criminal Justice Coordinating Council is our host program, and we're grateful for their support.

The Association will hold its annual Business Meeting on Wednesday afternoon, Oct. 3, during which officers and new Board members are elected. Everyone attending from a compensation program is encouraged to attend the Business Meeting.

Our Association has been meeting every year since 1977.

National Training
Conference
Atlanta
October 1-4, 2012

THE NATIONAL ASSOCIATION
OF CRIME VICTIM
COMPENSATION BOARDS

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Our annual conference in Atlanta is fast approaching. We look forward to seeing each of you there for this important event where your hard work and contributions will be brought together towards enhancing the services available to victims of crime and their families.

We have many outstanding speakers and discussions scheduled, and we know that managers, claims processors, and state Board members all will find sessions that will improve their skills and introduce them to new ideas. We also will be holding our annual Business Meeting, and we want to encourage everyone at the conference to attend. We will be electing officers and four new board members, and discussing Association activities as well. I want to take this opportunity to thank the Board members who are completing their terms — Kristy Ring, Bryan Nix, Cheryle Hall, and Janet Kennedy — and to express my gratitude to all of the Board mem-

bers and others who participate in the surveys and questions that Dan sends on behalf of the states. Your input provides assistance to both new and experienced program managers. We also gain advice on the direction the

President's Message from Gene McCleskey

Association should take in serving its membership and addressing public policy issues.

As we conclude our training conferences for this year, I would also like to thank Tennessee and Washington for hosting two of our

most successful Regionals this past spring. More than 75 victim compensation staff attended these two conferences. We're pleased that so many programs feel that these Regionals are useful training and networking opportunities, and we look forward to continuing this tradition next year. We'll let you know when dates and sites are chosen.

Again, thanks for what you and your staff do every day to assist victims.

Association Officers

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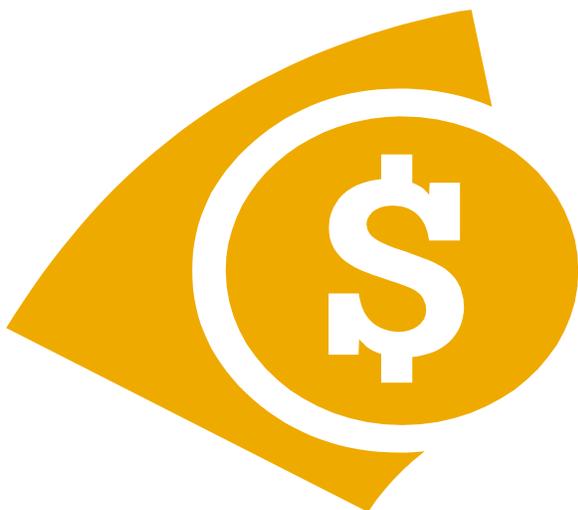
Congressional Budget Inaction Means No VOCA Cap Increase

Continuing Resolution May Delay Grant Awards

Congress has approved a continuing resolution (CR) to guide federal spending for the current fiscal year through March, which not only keeps VOCA funding at its current cap of \$705 million, it also creates uncertainty about when VOCA grants may be awarded. Normally, OVC waits until a final number is provided on how much the VOCA cap is for the fiscal year before calculating grant awards. But with a CR only going through March, there's no definitiveness on what the cap for VOCA for the entire year will be.

In addition, sequestration legislation that applies to all federal spending may result in the effective lowering of the cap by 7.6% — which would lead to lower state grants, at least for assistance programs. Whether sequestration would affect compensation grants as well is unclear. Compensation grants have not been affected by previous federal sequestrations.

Meanwhile, the House of Representatives has approved a \$720 million cap for FY 2013, and the Senate Appropriations Committee has proposed a \$775 million cap. But federal budgetary pressures and Congressional inaction provide little hope for a cap increase any time in the near future.



***National Crime Victims Rights Week
April 21-27, 2013
New Challenges. New Solutions.***

Transitions . . .

Amy O'Grady returns to the Crime Victim Section in the Ohio Attorney General's Office, serving now as its chief, having departed for a year to be the director of professional standards for the Ohio Peace Officer Training Academy. She was an assistant attorney general in a prior six-year stint with the Crime Victim section; and she's also been a law clerk and staff attorney within the court system, as well as an assistant public defender. Welcome back, Amy!

Jeff Wagaman now serves as director of the Kansas Attorney General's newly restructured Division of Crime Victims Compensation. Jeff had been serving as deputy chief of staff for the A.G. Past positions also include chief professional officer for the Boys and Girls Club of Topeka, and eight years as assistant state treasurer. We look forward to seeing Jeff at our upcoming conference.

Regionals Draw Large Groups to Nashville, Seattle

The Association's two Regionals this spring drew 80 participants from 30 states and the federal Office for Victims of Crime for discussions on a wide variety of issues. Tennessee director Amy Dunlap and Washington director Cletus Nnanabu helped plan and host the events.

In small-group settings and roundtable discussions, managers, claims staff, and Board members were able to compare approaches and strategies on efficient processing, effective outreach, accurate decision making, technological improvements, new benefits, eligibility trends, and other important topics. Several guest speakers enlivened both conferences, and OVC fellows B.J. Horn, Grace Call, and Bethany Case joined us as well.

We'll let everyone know when plans for our 2013 Regionals are in place. Thank you for your support!

Supreme Court Decision on Affordable Care Act Leaves Many Questions Unanswered

Will the nation's Affordable Care Act, scheduled to be implemented in stages over the next few years, have any impact on crime victim compensation claims and payouts? What effect does the recent Supreme Court decision have on the Act's implementation? And does any of this matter before the Presidential election is decided, since one candidate has vowed to do away with the Act on his first day in office?

These are difficult questions to answer. Perhaps all anyone can do at this point is review what we know and what we don't know currently, and acknowledge uncertainty about coming to any conclusions, including the most basic one of the Act's future survival.

So let's look at where we are, after the Supreme Court decision, in determining whether more victims will be insured, and thus may not need victim compensation to cover bills for their care. We'll focus on two of the key features of the Act — the individual mandate to buy insurance, and the Medicaid expansion — as well as some other provisions found in the law.

Supreme Court Decision a Mixed Result

First of all, most of the Affordable Care Act survived the Supreme Court ruling, to the surprise of many observers. The mandate that all Americans purchase insurance by 2014, or face a tax penalty if they're not covered by some plan or government program, is still in place. Other provisions, such as young persons up to age 26 being able to stay on their parents' plans, and coverage for people with pre-existing conditions, remain in effect. Starting in 2014, the law makes it illegal for any health insurance plan to use pre-existing conditions to exclude, limit, or set unrealistic rates on coverage. Also in 2014, employers with more than 50 full-time employees would have to provide coverage or face fines. States are required to set up insurance exchanges to facilitate a lower-cost marketplace for those purchasing individual insurance; if a state fails to do this, the federal government will take this responsibility on for that state (and apparently this will happen in some states where governors say they will refuse to set up the exchanges).

However, one key component of the law was declared unconstitutional by the Court — the Act's requirement that each state expand Medicaid to cover a larger number of people (adults earning up to 138% of the federal poverty level, which equates to \$31,8009 for a family of four). While states can still go forward with this expansion, and accept federal funding to accomplish this goal, the Court ruled that they cannot be forced to, since ultimately some of the cost of expansion will fall on the states. As a result, individual governors are left to decide whether to get more people on Medicaid rolls or not. The Act provides full federal funding to cover this expansion at its outset, with states gradually picking up 10% of the cost by 2020.

In the aftermath of the ruling, none of the 29 Republican state governors indicated that they would go forward with expansion yet; seven said they were opposed to the expansion, while 22 said they were undecided, or waiting the outcome of the election. Among Democratic governors and the one independent governor, 14 said they would implement the expansion, and 7 said they would wait for further developments.

Impact for Comp?

It is simply too early to determine in any concrete numerical terms what all this means for victim compensation programs. The Congressional Budget Office recently raised its estimate of Americans that will remain uninsured under the Act from the original figure of 21 million to a new estimate of 30 million, of which 6 million will pay the tax penalty rather than buy insurance. That means the number of currently uninsured will decline by about a third.

At the very least, the impact is going to vary according to whether a governor chooses to expand Medicaid or not, since that was intended to be a significant means to increase the number of people with insurance coverage. As for the individual and employer mandates, it stands to reason that at least some greater number of people will be covered. But no one can say for sure how many; and how this translates into individual victims, and the cost of their care, is yet to be determined. All we know is that we'll follow this closely in the months ahead.

**The Impact
of Health
Care Reform**

Association Provides Technical Assistance and Information

The Association provides help to its member programs on a wide variety of information and technical assistance requests. Sometimes we seek input from our officers and board of directors, which serve as an advisory board; other times, we run questions by all program managers. We've also begun using our NACVCB Blog, at www.nacvcb.org, to explore issues.

Below are some of the questions we've responded to in just the last few weeks. Let us know if you have a concern on which you'd like to get some thoughts from your colleagues — we'll do our best to get you some feedback.

Bereavement Leave

Fourteen compensation programs responding to a recent survey said they can pay for bereavement leave. Typically, this was defined as lost wages for a period of time without documentation of injury or disability from a medical provider or counselor. Some states noted that this was paid only if bereavement leave wasn't available from the employer. Eligibility of family members and others varied by state, as did the potential amount paid. Two states indicated that this was a recent addition to their benefit package.

Alabama: up to four weeks, for next of kin; has been father, ex-wife, daughter, and father's sister

Alaska: up to two weeks, no hard and fast rule for whom; likely limited to parents, children and siblings

Arkansas: up to one week, immediate family members

California: up to 30 days, limited to parent or legal guardian of victim under age 18

Delaware: \$1,000 for reasonable expenses that could include lost wages; limited to family members

Iowa: up to 5 days within first two weeks, after death, for spouses, children, siblings, siblings-in-law, grandparents, parents, grandchildren, aunts, uncles, cousins, legal wards, cohabiters, sons/daughters-in-law

Maine: \$1,000 available for variety of costs that could include bereavement leave; no set rule for which family member

Minnesota: up to six weeks, for parents

Mississippi: up to one week, not to exceed \$600 per week;

family members as defined by law

New Jersey: up to two weeks, for close family relationship: parents, spouse, domestic partner, fiancé, siblings, adult children, usually in the same household

New Mexico: up to 14 days, for spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half-brother, half-sister, spouse's parents

Pennsylvania: up to two weeks, for spouse, parent, child or person who assumes financial obligation to pay the funeral/burial

Vermont: up to two weeks without documentation from employer, and up to 12 weeks with employer documentation; for immediate family members

Wyoming: three days of leave, for spouse, parent, grandparent, stepparent, child (natural, step, or adopted) grandchild, brother, sister

Tuition Reimbursement

Only six states said they could pay for tuition reimbursement, defined as tuition lost by a student who must withdraw because of injury (Alaska, Illinois, Kentucky, Minnesota, Vermont, and the Virgin Islands). Minnesota was the only one that indicated it had a specific benefit limit on this, of \$2,000.

Overall Maximums and Funeral Maximums

The Association's annual survey of overall maximums found little change since last year. The median maximum for a normal claim remains at \$25,000, with 17 states at that level; five states share the lowest maximum of \$10,000, and the highest defined maximum is California at \$63,000. However, New York has no medical maximum at all; and Alaska, Nevada, Texas and West Virginia could pay more than California in catastrophic-injury cases.

The funeral/burial median allowance is \$5,000, with 24 states at that level. However, the number of states paying more than that amount has grown to 19, and only eight would pay less.

The full list of all state maximums follows on the next page.



State Maximums

Alabama	15,000
Alaska	40,000/80,000 in homicides with multiple victims
Arizona	20,000
Arkansas	10,000/25,000 in catastrophic-injury cases
California	63,000
Colorado	20,000
Connecticut	15,000/25,000 in homicides
Delaware	25,000/50,000 in catastrophic-injury cases
D.C.	25,000
Florida	15,000/30,000 in catastrophic-injury cases
Georgia	25,000
Hawaii	10,000/20,000 if only medical expenses are claimed
Idaho	25,000
Illinois	27,000
Indiana	15,000
Iowa	limits on individual expenses
Kansas	25,000
Kentucky	25,000
Louisiana	10,000/25,000 in catastrophic-injury cases
Maine	15,000
Maryland	45,000
Massachusetts	25,000
Michigan	25,000
Minnesota	50,000
Mississippi	20,000
Missouri	25,000
Montana	25,000
Nebraska	10,000
Nevada	35,000/150,000 in catastrophic-injury cases
New Hampshire	25,000
New Jersey	25,000/60,000 in catastrophic-injury cases
New Mexico	20,000/50,000 in catastrophic-injury cases
New York	no medical maximum; limits on other expenses
North Carolina	30,000, with additional 5,000 for funeral and burial
North Dakota	25,000
Ohio	50,000
Oklahoma	20,000; 40,000 for catastrophic injuries and homicides
Oregon	47,000
Pennsylvania	46,500 (35,000 plus 10,000 counseling, 1,500 other)
Puerto Rico	6,000/15,000 per family/25,000 for medical in catastrophic-injury cases
Rhode Island	25,000
South Carolina	15,000/25,000 in catastrophic-injury cases
South Dakota	15,000
Tennessee	30,000
Texas	50,000/125,000 in catastrophic-injury cases
Utah	25,000, with additional 25,000 for medical only when base amount is exceeded
Vermont	10,000; 10,000 per person in homicides
Virgin Islands	25,000
Virginia	25,000
Washington	50,000
West Virginia	35,000/50,000 in homicides/100,000 in catastrophic-injury cases
Wisconsin	40,000/additional 2,000 for funerals
Wyoming	15,000/25,000 in catastrophic-injury cases

*National Association of
Crime Victim Compensation Boards*

Training Calendar

2012

National Training Conference
Atlanta, October 1-4

National Conference information is available at www.navaa.org/conf

NACVCB Regional Conferences

will be planned for the spring of 2013

More information will be sent to all member programs

