

Document: Proposed Rule, **Register Page Number:** 25 IR 164

Source: October 1, 2001, Indiana Register, Volume 25, Number 1

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**TITLE 480 VIOLENT CRIME COMPENSATION
DIVISION**

Proposed Rule
LSA Document #01-194

DIGEST

Amends 480 IAC 1 concerning violent crime compensation. Effective 30 days after filing with the secretary of state.

480 IAC 1-1-1	480 IAC 1-1-8
480 IAC 1-1-2	480 IAC 1-1-9
480 IAC 1-1-3	480 IAC 1-1-10
480 IAC 1-1-4.1	480 IAC 1-2-1
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480 IAC 1-1-7	

SECTION 1. 480 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-1 Definitions

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5; IC 5-2-6.1

Sec. 1. ~~Definitions:~~ The definitions set forth in ~~IC 16-7-3.6-1~~ **IC 5-2-6.1** are hereby adopted by the division and incorporated by reference in ~~these rules:~~ **this article.** (*Violent Crime Compensation Division; 480 IAC 1-1-1; filed Dec 17, 1981, 3:45 p.m.: 5 IR 382*)

SECTION 2. 480 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-2 Authority; purpose

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5; IC 5-2-6.1

Sec. 2. ~~Authority and purpose:~~ ~~These rules and regulations are promulgated~~ **This title is promulgated** pursuant to provisions contained in ~~IC 16-7-3.6-1 et seq. IC 5-2-6.1-46~~ and in accordance with ~~IC 4-22-1-1 et seq. IC 4-21.5.~~ The purpose of ~~these rules and regulations~~ **this article** is to facilitate implementation and compliance with ~~IC 16-7-3.6-1 et seq. IC 5-2-6.1~~ by establishing procedures for the investigation, review, determination, and appeal of claims for victim assistance filed with the violent ~~crimes~~ **crime** compensation division, ~~industrial board of Indiana: criminal justice institute.~~ (*Violent Crime Compensation Division; 480 IAC 1-1-2; filed Dec 17, 1981, 3:45 p.m.: 5 IR 382*)

SECTION 3. 480 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-3 Filing claims

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 3. (a) **Requirements for time and place of filing are as follows:**

(1) All claims must be filed within one hundred eighty (180) days of the date the crime was committed; provided, however, that for good cause the director may extend the time for filing for a period not exceeding two (2) years after

such occurrence.

(2) All claims shall be filed in person or by certified mail on forms provided by the division in its office located at ~~601 State Office Building~~, **One North Capitol Avenue, Suite 1000**, Indianapolis, Indiana 46204, or at such other location as may be designated by the division.

(3) The claim shall be signed by the claimant. If the claim is filed by a minor or other incompetent, the claim may be signed and filed on his or her behalf by the parent, guardian, or other individual authorized to administer his or her affairs.

(b) Requirements for contents of claim shall be as follows:

(1) The claim shall contain, as a minimum, the following information:

- (A) The claimant's name, address, and other identifying information.
- (B) The victim's name, address, and other identifying information if different than the claimant.
- (C) A narrative statement describing the crime giving rise to the claim, including the name of alleged perpetrator, the time and place thereof, and the law enforcement agency to which the crime was reported.
- (D) A brief description of the nature of injuries received, or when applicable, the cause of death of the victim.
- (E) A brief statement of the losses and/or expenses incurred as a result of the crime.
- (F) A release of medical information. ~~and~~
- (G) A signed subrogation agreement.

(2) Each claim shall be reviewed to ~~insure~~ **ensure** that it is complete. If the claim is not complete, written notice shall be given to the claimant with a brief statement requesting additional information. The claimant within thirty (30) days of receipt of the request for additional information, shall supply that information to the division or request an extension of time, not to exceed sixty (60) days. The request shall be in writing to the director. If the claimant does not furnish additional information, or an extension granted by the director for good cause, the application shall be denied.

(Violent Crime Compensation Division; 480 IAC 1-1-3; filed Dec 17, 1981, 3:45 p.m.: 5 IR 382; filed Nov 15, 1984, 10:23 a.m.: 8 IR 335, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]

SECTION 4. 480 IAC 1-1-4.1 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-4.1 Determination of eligibility

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 4.1. After a claim has been determined to contain sufficient identifying information, a claims counselor or other person designated by the director, shall compare it to the eligibility standards described in ~~IC 16-7-3.6-5, 16-7-3.6-7 and 16-7-3.6-8~~ **IC 5-2-6.1-13 through IC 5-2-6.1-15**. The claims counselor shall obtain supporting documentation necessary for the processing of a claim, including, but not limited, to a police report, including, where applicable, all supplemental reports and victim and witness statements made to law enforcement personnel, copies of charging informations and other prosecutorial data, copies of medical, funeral, and psychiatric bills, documentation regarding substitute childcare expenses, employment or earnings information, documentation concerning medical and/or life insurance benefits, Social Security, pension, or retirement benefit information, documentation regarding ~~workmen's~~ **worker's** compensation or unemployment compensation benefits, and any other documentation necessary to determine eligibility. *(Violent Crime Compensation Division; 480 IAC 1-1-4.1; filed Nov 6, 1986, 3:38 p.m.: 10 IR 425)*

SECTION 5. 480 IAC 1-1-5 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-5 Investigation of claims; notice of determinations

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 5. (a) A claim, when accepted as complete or when set for hearing, will be investigated by the division as to its validity, regardless of whether the alleged perpetrator has been apprehended, prosecuted for or convicted of any crime based upon the same alleged incident.

(b) All claimants under the law creating this division shall cooperate with claims counselors and other representatives of this division in order to be eligible for an award. In the event that such cooperation is refused or denied, the division may, in the discretion of the director, deny such claims.

(c) The division shall obtain written verification of all events, claims, and sums of money alleged by the claimant to the greatest degree possible through police agencies, providers of medical assistance and funeral services, employers, witnesses, and others. If discrepancies arise the division may interview the claimant, or victim if other than the claimant, in order to establish such verifications and consistency of the record of such claim.

(d) After receipt of all information necessary to process a claim the claims counselor shall prepare a written case report and preliminary determination recommendation on the claim. The case report shall be delivered to the director (or his designee) and shall contain a statement of the facts alleged by the claimant, describe the verifications and discrepancies, make a recommendation as to whether or not assistance should be provided, the amounts payable (including reasonable attorney fees, if any,) and a rationale of the recommendation. The director shall then review the entire file together with the case report and preliminary determination recommendation. If the director disagrees with the claims counselor's preliminary determination recommendation in whole or in part, the director shall remand the claim for further investigation or request that the matter be set for hearing.

(e) If the director agrees with the claims counselor's recommendation to deny the claim, the director shall issue to the claimant a preliminary determination stating the reason or reasons for the denial. The preliminary determination shall be sent by ~~1st~~ **first** class U.S. mail to the claimant's last known address. A claimant who disagrees with the preliminary determination may request a hearing. This request must be made in writing within thirty (30) days from the date of the preliminary determination. The claimant's failure to timely request a hearing shall constitute a waiver of hearing and a consent to the agency action described in the preliminary determination and a notice of final determination will then be issued to the claimant. Where timely requested a hearing will be set and will be limited to the reason or reasons for the denial stated in the preliminary determination. In the event the claimant disagrees with the ~~the~~ findings and determination of the hearing officer following a hearing, the claimant may request a review by the ~~full industrial board~~ **criminal justice institute**. Such request must be made in writing and filed with the division within twenty-one (21) days from the date of receipt of the findings and determination of the hearing officer.

(f) If the director agrees with the claims counselor's recommendation to award the claim, the director shall issue a notice of award stating the amount of the award and its allocation. If a claimant disagrees with the notice of award, the claimant may request a hearing. This request must be made in writing within thirty (30) days from the date of the notice of award. (*Violent Crime Compensation Division; 480 IAC 1-1-5; filed Dec 17, 1981, 3:45 p.m.: 5 IR 383; filed Nov 15, 1984, 10:23 a.m.: 8 IR 335, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]; filed Nov 6, 1986, 3:38 p.m.: 10 IR 425*)

SECTION 6. 480 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-6 Hearings

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5

Sec. 6. (a) ~~Notification of Hearing:~~ When a hearing is ordered, the claimant, counsel, and all parties whose testimony is deemed necessary by the division shall be notified in writing of the time, place, and scope of the hearing in accordance with ~~IC 4-22-1-6~~ **IC 4-21.5**. Any subsequent notices of hearing due to a request for continuation by the claimant or claimant's attorney shall be sent by ~~1st~~ **first** class U.S. mail.

(b) Requirements for conduct of hearings are as follows:

(1) All hearings shall be conducted in an orderly manner and consistent with ~~the provisions of 630 IAC;~~ rules of the ~~industrial board of Indiana;~~ **criminal justice institute**, to the extent applicable. All witnesses shall testify under oath or by affirmation and all testimony shall be recorded. The hearing officer shall not be bound by common law or statutory rules of evidence, or by judicial rules of procedure.

- (2) The claimant has the burden of proving his right to compensation by a preponderance of the evidence.
- (3) The hearing officer may receive as evidence any statement, document, information, or matter that is deemed relevant and of such a nature as to afford the parties a fair hearing. The hearing officer may also accept hospital and physician's records and reports as proof of the injury sustained without requiring the presence of the attending physician at the hearing.
- (4) The hearing officer may direct medical examination of the claimant by a physician designated by the hearing officer, having due regard for the convenience of the claimant.
- (5) The claimant shall be present at the hearing and will be allowed to present testimony and cross-examine witnesses in person or by counsel.
- (6) Hearings may be adjourned on the motion of the hearing officer or upon timely request of any interested party. The failure of the claimant to appear at the time of the hearing may result in denial of the claim; provided, however, in the discretion of the hearing officer upon good cause shown, such failure to appear, may be excused, and a new hearing scheduled.
- (7) Hearings shall be open to the public except that the hearing officer may exercise discretion to hold the hearing in private in the interest of the victim or society where justice requires.
- (8) Upon the application of the claimant or by counsel, submitted in affidavit form, or upon application of the hearing officer, a case may be opened for further investigation. If the hearing officer finds it necessary, further testimony may be taken at any time prior to the final determination of the hearing. The division may, on its own motion, reinvestigate or reopen cases at any time, as it deems necessary.
- (9) All hearings of the division shall be held at its offices in Indianapolis, Indiana. A claimant may request a hearing be held in another location upon written request to the director setting forth the reasons for such change of location. If, in the opinion of the director, the claimant would suffer undue hardship unless the location of the hearing is ~~changes;~~ **changed**, the director shall instruct the hearing officer to set the hearing location for the convenience of the claimant. All requests for change of location must be made no less than twenty (20) days prior to the date of the hearing.

(Violent Crime Compensation Division; 480 IAC 1-1-6; filed Dec 17, 1981, 3:45 p.m.: 5 IR 384; filed Nov 15, 1984, 10:23 a.m.: 8 IR 336, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]; filed Nov 6, 1986, 3:38 p.m.: 10 IR 426)

SECTION 7. 480 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-7 Attorneys; representation

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1-37

Sec. 7. (a) **Requirements for representation by attorneys are as follows:**

- (1) Claimants have the right to be represented before the violent crime compensation division or any representatives thereof at all stages of the proceeding by an attorney-at-law duly licensed to practice in ~~the state of~~ Indiana.
- (2) The attorney shall file a Notice of Appearance, prior to or at his first appearance. Such notice shall contain the name of the party represented **and** the attorney's name, address, and telephone number.
- (3) If any party designates an attorney-at-law and such attorney has executed and filed with the division a Notice of Appearance in the matter, such notice shall remain in effect until:
 - (A) the party represented files with the division a written revocation of the attorney's authority; ~~or~~
 - (B) the attorney files with the division a written statement of his withdrawal from the case; ~~or~~
 - (C) the attorney states on the record at a division hearing that he is withdrawing from the case; or
 - (D) the division receives notice of the attorney's death or disqualification.
- (4) After filing of a Notice of Appearance in accordance with ~~480 IAC 1-1-1;~~ **this rule**, and so long as it may remain in effect, copies of all written communications or notices to the claimant shall be sent to such attorney in lieu of the party so represented. Service upon the attorney shall be deemed service on the party so represented.

(b) ~~Attorneys' Fees:~~ (1) Attorneys' fees shall be approved by the division, and shall be commensurate with services rendered to the claimant subject to the limitations of ~~IC 16-7-3-6-14;~~ **IC 5-2-6.1-37.** *(Violent Crime Compensation Division; 480 IAC 1-1-7; filed Dec 17, 1981, 3:45 p.m.: 5 IR 384; filed Nov 15, 1984, 10:23 a.m.: 8 IR 337, eff Nov 1,*

1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]

SECTION 8. 480 IAC 1-1-8 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-8 Subpoenas, subpoenas duces tecum, depositions

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 8. (a) **Requirements for** issuance of subpoenas and subpoenas duces tecum **are as follows:**

(1) The division shall issue subpoenas and subpoenas duces tecum, either at its own instance or upon written application of any party made not less than ten (10) days prior to the hearing. The ten (10) day provision may be waived at the discretion of the director. Subpoenas and subpoenas duces tecum shall comply with the Indiana rules of procedure.

(2) The issuance of a subpoena at the application of a party shall depend upon a showing of necessity. A written request shall designate the names and addresses of witnesses and the locations of documents, books, payrolls, personal records, correspondence, papers, and any other evidence necessary to the claim being heard.

(3) The cost of service, witness and mileage fees shall be borne by the party at whose request a subpoena is issued.

(b) ~~Depositions:~~ The division, on its own motion or on application of the claimant, shall take or cause to be taken affidavits or depositions of witnesses residing within or without the state, whenever it deems such procedure necessary. The division may set appropriate terms and conditions pertaining to the taking of affidavits or depositions. The requesting party shall bear the expense. (*Violent Crime Compensation Division; 480 IAC 1-1-8; filed Dec 17, 1981, 3:45 p.m.: 5 IR 385; filed Nov 15, 1984, 10:23 a.m.: 8 IR 337, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]*)

SECTION 9. 480 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-9 Awards

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 9. (a) No award will be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of one hundred dollars (\$100).

(b) No award may be made unless the division finds that:

(1) a violent crime was committed;

(2) the victim need not be a resident of ~~the state of~~ Indiana at the time of occurrence of the crime upon which the claim is based; however, such crime must have occurred within ~~the state of~~ Indiana;

(3) such crime directly resulted in personal physical injury or death of the victim; and

(4) such crime was reported to a law enforcement officer within forty-eight (48) hours after the occurrence of such crime, and the claimant has cooperated fully with law enforcement personnel to solve such crime, unless the hearing officer, for good cause shown, finds such failure to report or cooperate with law enforcement officials to have been justified.

(c) An award made under this rule shall be in an amount not to exceed out-of-pocket expenses, together with loss of actual earnings consistent with this rule and other actual expenses resulting from the bodily injury or death of the victim.

(d) An award made under this rule shall be in an amount not to exceed out-of-pocket medical expenses, together with loss of actual earning consistent with this rule, reasonable child care expenses not to exceed one thousand dollars (\$1,000), loss of financial support consistent with this rule, and other actual expenses resulting from the bodily injury or death of the victim. In no case shall the total amount of an award exceed ~~ten fifteen~~ thousand dollars (~~\$10,000~~) (\$15,000) per victim.

(e) In instances of claims based on physical injuries or death, the division shall exercise its discretion in determining whether payments are to be made in a lump sum or periodically.

(f) When disbursing an award, the division shall apply the proceeds of the award in the following order:

- (1) Reasonable attorney fees as determined by the division.
- (2) Outstanding medical and funeral expenses.
- (3) Reimbursement of compensable out-of-pocket expenses.
- (4) Loss of income the victim would have earned had the victim not been injured.
- (5) Loss of financial support that the victim would have supplied to legal dependents had the victim not died or been injured.

In the event that the expenses in subdivision (2) exceed the total amount of the award, the division shall prorate the award among the providers in that category.

(g) If there are two (2) or more persons entitled to an award as a result of the death of a person which is the direct result of a crime, the hearing officer shall apportion the award among the ~~claimant~~ **claimants** in the proportion the deceased victim contributed to their support. In the event of a change of dependency of the claimant or any one (1) of them, either by marriage or otherwise, the division may change the proportion and the amount of the payments to the claimant.

(h) If the recipient of an award is a minor, the director may require that a guardianship be established and the award be delivered to the guardian of the minor's estate.

(i) In determining whether to award loss of income to a victim who has died or been injured, the following factors may be considered by the division:

- (1) Whether the victim was employed at the time of injury or death.
- (2) The victim's employment history, education, and job skills.
- (3) The victim's age, life expectancy, and past earnings.
- (4) Other relevant factors.

(j) The part of each award covering unpaid expenses of a claimant may be made payable directly to each creditor subject to the claimant's consent.

(k) An emergency award of not more ~~that~~ **than** five hundred dollars (\$500) may be made by the director or his designee prior to the determination of final award if it is determined by the director that a severe financial hardship exists.

(l) No request for an emergency award shall be considered unless a claim has been filed with the division. The claim and the request for the emergency award may be filed simultaneously.

(m) A request for an emergency award may be made either by mail or in person upon an affidavit setting forth in detail the grounds.

(n) The amount of an emergency award shall be deducted from the final award made by the division, and if no final award is made or the amount of the emergency award exceeds the amount of the final award, such amount shall be recoverable from the claimant.

(o) Compensation by the division for funeral, burial, or cremation expenses shall not exceed three thousand dollars (\$3,000) per victim per claim.

(p) Compensation by the division for outpatient psychological and/or psychiatric counseling shall not exceed the following:

- (1) One thousand dollars (\$1,000) for mental health facilities or counselors who do not use a sliding fee schedule based on the victim's income.
- (2) One thousand five hundred dollars (\$1,500) for mental health facilities or counselors who use a sliding fee

schedule based on the victim's income. Prior to qualifying under this subdivision, the sliding fee schedule must be submitted to the division for approval.

(Violent Crime Compensation Division; 480 IAC 1-1-9; filed Dec 17, 1981, 3:45 p.m.: 5 IR 385; filed Nov 15, 1984, 10:23 a.m.: 8 IR 338, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2232)

SECTION 10. 480 IAC 1-1-10 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-1-10 Appeals; board review

Authority: IC 5-2-6.1-46

Affected: IC 4-21.5; IC 22-3-4-8

Sec. 10. (a) The state or claimant may appeal the findings of the hearing officer within twenty-one (21) days after the date of receipt of the determination by filing a written appeal with the director, who shall review the written determination of the hearing officer and place it on the docket for review by the ~~full industrial board of Indiana~~ **criminal justice institute**.

(b) A decision by the ~~full industrial board of Indiana~~ **criminal justice institute** shall be conclusive and binding unless the state or the claimant, within thirty (30) days from the date of the ~~full board~~ **criminal justice institute** award appeals to the court of appeals pursuant to IC 22-3-4-8. *(Violent Crime Compensation Division; 480 IAC 1-1-10; filed Dec 17, 1981, 3:45 p.m.: 5 IR 386; filed Nov 15, 1984, 10:23 a.m.: 8 IR 339, eff Nov 1, 1984 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #84-66 was filed Nov 15, 1984.]; filed Nov 6, 1986, 3:38 p.m.: 10 IR 427)*

SECTION 11. 480 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-2-1 Eligibility and cooperation

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1; IC 34-26-2

Sec. 1. (a) Beginning September 1, 1985, a person who seeks hospital emergency room treatment for injuries and trauma resulting from an alleged sexual assault shall be considered an alleged sex crime victim eligible to have the costs of their emergency room treatment paid by the sex crime victim services fund (fund) to the servicing hospital if **the following occur:**

- (1) Within forty-eight (48) hours following the alleged crime:
 - (A) a police report regarding the incident has been filed; or
 - (B) the hospital, victim, or a responsible party has contacted an appropriate law enforcement agency.
- (2) A representative of a law enforcement agency must, in writing, confirm that the victim has cooperated in the initial law enforcement investigation and report.
- (3) The fund will pay hospitals for services rendered in connection with alleged sex crimes occurring between spouses only if a petition for dissolution of marriage or legal separation or a protective order under ~~IC 34-4-5.1~~ **IC 34-26-2** has been filed and the spouses are living apart.

(b) The victim must consent to the emergency room treatment and evidence-gathering physical examination and such treatment must be ordered by the attending physician. If the victim is a minor or incompetent, the victim's parent or guardian, an officer of the court or other authorized individual may sign for the victim. The victim or other authorized individual must sign and complete the appropriate sections of the fund's claim form. Eligibility requirements ~~(1) and (2)~~ **above in subsection (a)(1) and (a)(2)** may be suspended if the director of the violent crime compensation division (division) finds a compelling reason to do so. A participating hospital is to treat all alleged sex crime victims and shall render services at no cost to the alleged victim despite any delays in payment from the fund. A hospital shall provide medical services to all alleged sex crime victims without making any legal determinations as to whether the patient has actually been sexually assaulted or whether the hospital will be eligible for payment when the patient has executed the prescribed fund application for payment.

(c) The fund may deny payment to the hospital where the patient fails to meet the eligibility requirements as listed in subsection ~~(1) through (3) above~~. (a). If payment is denied, the hospital will be notified and may then bill the patient or collateral source for services rendered. (*Violent Crime Compensation Division; 480 IAC 1-2-1; filed Nov 6, 1986, 3:38 p.m.: 10 IR 427*)

SECTION 12. 480 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-2-2 Application for reimbursement; information required

Authority: IC 5-2-6.1-46

Affected: IC 5-2-6.1

Sec. 2. (a) To receive payment, the hospital, victim and, if present, a law enforcement agent must supply information regarding the alleged sex crime on a claim form prescribed by the fund completed and filed not later than (90) days from the date of the first emergency room medical services provided. The hospital shall attach to the application ~~the following documents:~~ ~~(1) the patient's emergency department report of the date of treatment, including~~ **the following:**

~~(A)~~ **(1)** Copy of the medical examination report by the attending physician.

~~(B)~~ **(2)** A narrative statement describing the alleged sex crime, including the time and place thereof, and a brief description of the injuries sustained.

~~(C)~~ **(3)** An itemized statement showing all services provided to the alleged sex crime victim which were a direct and proximate result of the alleged sex crime.

(b) The fund may also require additional information as needed to determine eligibility. The hospital shall provide to the patient, at the time of victim's release from the hospital, the fund information sheet. Applications for payment for the following subsequent medical procedures shall be filed within **thirty** (30) days of the services rendered:

(1) Sexually transmitted disease testing.

(2) Pregnancy testing. ~~and~~

(3) Mental health counseling for problems directly related to the sexual assault.

If an application is denied or additional information from the hospital is required, the fund shall so notify the hospital in writing. A hospital has (30) days from the date of the fund's notification to present the information required to the fund. The additional information will then be evaluated.

(c) All applications should be mailed or filed in person at the fund's office located at ~~601 State Office Building, 100 North Senate Avenue, One North Capitol Avenue, Suite 1000~~, Indianapolis, Indiana 46204. (*Violent Crime Compensation Division; 480 IAC 1-2-2; filed Nov 6, 1986, 3:38 p.m.: 10 IR 427*)

SECTION 13. 480 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

480 IAC 1-2-3 Covered services

Authority: IC 5-2-6.1-46

Affected: IC 16-7-3.6

Sec. 3. ~~Definitions:~~ (a) As used in this ~~chapter:~~ ~~(a)~~ **rule**, "emergency hospital service" means outpatient services rendered in the emergency room, which are a direct and proximate result of the alleged sex crime, including, but not limited to, at the division's discretion, **the following:**

(1) Reasonable costs of counseling services for the victim directly relating to the assault, rendered within one **(1)** year following the initial emergency room treatment. At the division's discretion, other persons deemed necessary for the victim's sex crime crisis counseling may also be eligible for counseling services. Said counseling costs are reimbursable only when services are rendered by or through a hospital participating in the sex crime victim services fund. Included in the itemized statement of counseling services shall be a delineation of the party receiving the service, the date of the subsequent counseling, and the date of the initial ~~emergency~~ **emergency** room treatment.

(2) Evidence-gathering and diagnostic physical examinations.

(3) Initial pregnancy and sexually transmitted disease testing related to the alleged sex crime.

(4) Other itemized laboratory work, including **the following:**

(A) Alcohol and drug testing.

- (B) Syphilis testing up to **ninety** (90) days following the alleged sex crime.
- (C) Pregnancy and other sexually transmitted disease testing up to **thirty** (30) days following the alleged sex crime.
- (5) Suturing and care of any wounds, including anesthesia and prescribed medications.
- (6) X-rays.
- (7) Other limited out-patient emergency treatment at the discretion of the division.

(b) Noncompensable services include **the following:**

- (1) Inpatient hospital services.
- (2) Nonsexual assault related services.

(c) If a patient is subsequently admitted to the hospital on an in-patient basis following emergency room treatment, the patient may apply to the violent crime compensation division of the ~~industrial board of Indiana~~ **criminal justice institute** and meet separate eligibility requirements to receive benefits for in-patient treatment. (*Violent Crime Compensation Division; 480 IAC 1-2-3; filed Nov 6, 1986, 3:38 p.m.: 10 IR 428*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 26, 2001 at 3:00 p.m., at the Indiana Criminal Justice Institute, One North Capitol Avenue, Suite 1000, Indianapolis, Indiana the Violent Crime Compensation Division will hold a public hearing on proposed amendments concerning violent crime compensation. Copies of these rules are now on file at the Indiana Criminal Justice Institute, One North Capitol, Suite 1000 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Catherine O'Connor
Executive Director
Indiana Criminal Justice Institute