

Did You Know?

The Crime Victims Compensation Fund – A Little Known Funding Source for AT in Some Cases

This program, operated by each state through a federal grant, is authorized by the Victims of Crime Act of 1984 (VOCA), as amended, 42 U.S.C. § 10601. Final guidelines were published at 66 Fed. Reg. 27158 - 27166 (5/16/01). A Crime Victims Program can be an important source of assistive technology (AT) funding if the need can be connected to a compensable crime. The VOCA authorizes federal reimbursement to states (up to 40 percent for approved expenditures) to compensate and assist crime victims, fund training and technical assistance, and serve victims of federal crimes. See links for federal VOCA site, <http://ojp.gov/ovc/> and to state crime victims sites, <http://www.nacvcb.org/index.asp?sid=6>.

Compensable Crimes. States must include crimes whose victims suffer death or physical injury as result of: terrorism, driving while intoxicated, domestic violence, and intentional or attempted defacement of any religious real property because of: its religious character; or the race, color or ethnic characteristics of any individual associated with the religious property. A state must provide compensation for federal crimes on the same basis that it compensates for victims of state crimes.

VOCA Mandated Expenses. At a minimum, “VOCA requires states to award compensation” for a list of expenses when they are attributable to a physical injury resulting from a compensable crime. In addition to compensating the victim, a Crime Victims Program may also be able to compensate family members if their need is connected to the injury and/or death of the victim. These mandated expenses include:

- *Medical expenses*, including eyeglasses and other corrective lenses, dental services, prosthetic or other devices (see 42 U.S.C. § 10602(d)(2))(no definition of “prosthetic and other devices” appears in the federal law or guidelines). Since there is no definition of prosthetic and other devices in the federal VOCA, you might look to your Medicaid agency’s definitions for prosthetic device and durable medical equipment for use in this program (assuming you have no state definitions and are reasonably happy with the Medicaid definitions).
- *Mental health counseling and care, lost wages, and funeral expenses.*

Optional Allowable Expenses. States may offer compensation for other types of expenses as authorized by state law, regulation, or established policy. These include:

- “Necessary building modification and equipment to accommodate physical disabilities resulting from a compensable crime.” VOCA Guidelines, part IV.B.2.(b)(ii). (No definition for these terms appears in the federal law or guidelines.)

Payer of Last Resort. The federal guidelines provide that the compensation program is the payor of last resort “with regard to federal or federally financed programs.” VOCA Guidelines, part IV.C.2.

Advocacy may be needed. AT advocates may need to forcefully advocate for AT, on behalf of crime victims, under either the mandated “prosthetic or other devices” clause or the optional “necessary building modification and equipment” clause. A review of more than 30 state websites suggests that many states do not even mention these two categories of compensation in its policies, application forms, or other literature describing the program. Many of the state programs offer some specific appeals process if requested compensation benefits are denied.

AT Funding Examples from State Programs. California – covers home or vehicle modifications, medically necessary equipment such as a wheelchair; Florida – covers prosthetic devices needed as a result of crime; Massachusetts – covers equipment and supplies; Montana – covers prosthetics and other approved costs; Nevada – covers medically necessary equipment such as a wheelchair, Oregon – other medically necessary devices and expenses; Texas – covers medical appliances such as wheelchairs and prosthetics, will fund cost related to making a home or vehicle accessible, if the injury causes permanent disability; Wyoming – covers hearing aids and other prosthetic or medically necessary devices.

Make sure your state is covering the mandatory “prosthetic and other devices.” Although our state-specific research has been limited to what is available on or through links on websites, the impression is that 75 percent of more states do not reference this mandatory category of “allowable expenses.” Advocates can turn to the federal law to support any claim that AT should be covered. Keep in mind, however, that all states will have total claim limits (typically in the range of \$25,000 to \$30,000) and that the Crime Victims Program is, by federal law, a payer of last resort.

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