

California Victim Compensation and Government Claims Board Revisions to Mental Health Guidelines

December 10, 2015

Action Requested

The Mental Health Section of the California Victim Compensation and Government Claims Board (Board) requests that the Board adopt the following proposed revisions to the Mental Health Guidelines (Guidelines) currently filed with the California Secretary of State.

Background

Assembly Bill 1140 (Chapter 569, Statutes of 2015) (AB1140), signed by Governor Edmund G. Brown in October 2015, will be effective January 1, 2016. Revisions are necessary to align the Guidelines with the statutes amended by AB1140. Also in October 2015, the Board directed staff to revise the Guidelines to add case management services for direct victims. Additionally, two technical revisions are recommended to improve access to services for direct and derivative victims of sexual assault.

Proposed Revisions

- 1.) Revise the Guidelines to allow victims of unlawful sexual intercourse with a minor, as defined in Penal Code §261.5(d), to be reimbursed for up to 40 initial session limits.
 - Current Provision: A victim of unlawful sexual intercourse with a minor, as defined in Penal Code §261.5(d), may be reimbursed for up to 30 initial mental health counseling sessions.
 - Proposed Revision: Allow 40 initial mental health counseling sessions to mirror the session limits of all other direct victims.
 - Justification: This revision aligns mental health benefits for direct victims of Penal Code §261.5(d) with all other direct victims. The estimated annual cost is \$2,700.
- 2.) Revise the Guidelines to add case management services as a reimbursable expense and remove collateral sessions.
 - Current Provision: A mental health provider may be reimbursed for up to three (3) collateral sessions per application. Additional collateral sessions may be reimbursed, per the Board's sole discretion. Collateral Sessions are meetings or discussions between the treating therapist and others such as a school counselor or teacher, a religious leader, physician, or other medical provider, or a social worker.
 - Proposed Revision: Add up to five (5) case management sessions for direct victims as a reimbursable expense and remove collateral session limits. Case

management services enable mental health providers to assist a claimant with obtaining needed medical, educational, social, housing, prevocational, vocational, rehabilitative, or other community services.

- Justification: On October 15, 2015, the Board approved the proposal to allow case management services. The estimated annual cost to reimburse case management services was \$1,881,315.

3.) Revise the Guidelines to allow up to 40 mental health sessions for grandparents and grandchildren if the qualifying crime resulted in death.

- Current Provision: A parent, sibling, child, spouse, fiancé, fiancée, or registered domestic partner may receive up to 40 mental health counseling sessions if the qualifying crime resulted in death.
- Proposed Revision: Add language that grandparents and grandchildren may qualify for up to 40 mental health sessions if the qualifying crime resulted in death.
- Justification: As a result of AB1140, Government Code §13957(a)(2)(A)(ii) allows mental health sessions for grandparents and grandchildren when the qualifying crime resulted in the death of the victim. The estimated annual cost was \$51,840.

4.) Revise the Guidelines to provide additional mental health session limits for adult derivative victims whose child was a victim of a sexual assault, without the requirement of therapy being focused for the benefit of the direct victim.

- Current Provision: A parent caretaker and step-parent may currently receive up to 30 mental health counseling sessions. In order for sessions to be authorized beyond the initial session limit, the therapy must be focused on alleviating the direct victim's symptoms, interventions, and behaviors in response to the qualifying crime.
- Proposed Revision: Remove the language requiring that sessions beyond the initial session limit must be for the benefit of the direct victim.

Justification: This revision allows parent caretakers and step-parents to receive additional therapy for their own trauma regarding the sexual assault crime that was perpetrated against their minor child. The estimated annual cost is \$56,7007.