

Quarterly News

Summer 2017



VIRGINIA VICTIMS FUND

Helping Innocent Victims of Crime

OFFICIALLY CRIMINAL INJURIES COMPENSATION FUND

A Division of the Virginia Workers' Compensation Commission

Web: www.virginiavictimsfund.org • Mail: P.O. Box 26927, Richmond, Virginia 23261 • Phone: 1.800.552.4007 • Fax: 804.823.6905

VVF RELEASES NEW COLLATERAL RESOURCE CHECKLIST

As part of our continuing efforts to facilitate the payment of claims, the Ombudsman and Claims Examination Team have collaborated to develop a checklist for collateral resources. Advocates and claimants can use this checklist to help identify relevant insurances in a case, guiding the gathering of claim documentation necessary for payment. You will find a copy of the Collateral Resource Checklist attached to this newsletter and on our website. Let us know if you have any questions!

FILING BURGLARY CASES Several burglary statutes are covered by the Virginia Victims Fund, including § 18.2-89, § 18.2-90, § 18.2-91, and § 18.2-92. These statutes cover breaking and entering for the purpose of committing a number of crimes, including misdemeanors and larceny. Here are some things to remember when filing a VVF claim for a burglary.

First, the Fund is oriented toward the physical safety of the victim. Therefore, the Fund may consider:

- 1) Replacement of locks, windows, and entry doors damaged as a result of the break-in OR moving
- 2) Installation of window bars
- 3) Temporary housing, if the dwelling is unsafe before repairs are made
- 4) Crime scene clean-up, if warranted by a biohazard
- 5) Mental health counseling
- 6) Medical expenses, if the victim was home at the time of the incident
- 7) Installation of a home security system – but not monthly fees or surveillance equipment. The Fund's definition of home security is a system that is supervised by a customer monitoring center and results in a call to the police. Also, the Fund expects that this expense is based on an immediate need for safety; therefore, systems should be installed shortly after the crime. Finally, the Fund will not consider payment of this expense for a location that houses a business or for vacant property.

Second, the Fund does not cover personal property damage or loss. As a result, the Fund would not pay for televisions, electronic equipment, jewelry, etc. that may be stolen or damaged as a result of the crime.

Third, homeowners' or rental insurance is considered a collateral resource. The victim or claimant must be responsible for these expenses in order for the Fund to consider payment. Individuals or organizations that cannot be VVF claimants should not request these services without the expressed permission of the responsible victim or claimant.

LEGAL CUSTODY OF CHILD VICTIMS

VVF often receives questions regarding children who have been victims of crime and are removed from the custody of their parents. VVF policy refers to guardians in several places, but our practice is straightforward. The Fund will allow anyone with legal custody of a minor to file a claim on behalf of the minor and receive an award as if they were the guardian of the minor. The claimant must simply provide VVF with the paperwork to show that they have custody.

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- Decision Types Explained
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Main Fax: 804.823.6905

Main Email:

info@virginiavictimsfund.org

SAFE Fax: 877.377.5164

SAFE Email:

safe@virginiavictimsfund.org

Medical Provider Status Request:

status@virginiavictimsfund.org

WE'RE MOVING!! VVF will be moving to downtown Richmond this coming fall. Our P.O. Box will remain the same, but some phone numbers may change. Stay tuned for further updates!

DECISION TYPES EXPLAINED Once Claims Examiners determine that a claim meets eligibility criteria, they determine the *compensability* of the claim— i.e. are there expenses ready for VVF payment. The results of this review look different depending on the documentation on file. Here you'll find a broad overview of some decision types.

Initial or Supplemental Award (award) If documentation is complete (i.e., we have medical records, itemized billing statements, and resolution of collateral resources), an award can be made.

Zero Award (award)

1) We know the source of the expense and the total expense is expected to be over \$100, but we do not have the documentation to make the award.

⇒ For example, a claimant has requested reimbursement for funeral expenses. We do not have the funeral contract, but can reasonably expect the cost of the funeral will exceed \$100.

2) We know the provider or source of expense, but the claimant has not completed efforts to exhaust collateral resources.

⇒ For example, a claimant has requested reimbursement for the hospital bill. We have medical records and an itemized billing statement, but the claimant has not filed for hospital charity care.

No Minimum Loss (denial) We know the provider or source of an expense, but the *total value of the expense* is less than \$100. (This is the total expense before collateral resources are applied.)

⇒ For example, a claimant has requested home security. The cost of a new door lock is \$30. The total expense is less than \$100; therefore, we would deny for No Minimum Loss.

However, the Fund can make payments less than \$100.

⇒ For example, a claimant has requested reimbursement for medical expenses. His bills exceed \$100, but his copay is only \$10. Although the \$10 he owes is less than \$100, the total value of his claim exceeds \$100; therefore, the Fund would issue an award.

⇒ For example, a claimant has requested reimbursement for the hospital bill. The total expense is \$2,000, which is paid in full by charity care. The balance owed is \$0.00, but we would NOT deny for No Minimum Loss, but instead issue a Zero Award, since there may be future expenses to consider.

Failure to Perfect (denial) § 19.2-368.5:1 This denial reason is reserved for those claims where the claimant has not provided any information at all. The key here is that the information needed by the Fund is fully within control of the claimant to provide.

⇒ For example, a claimant submitted an application, but did not check any boxes indicating what benefits he is seeking. The Fund has sent several letters asking him what he is applying for, but the claim has reached 180 days and he has not responded.

⇒ For example, claimant indicated that she wants counseling, but after repeated requests by the Fund, she has not provided the name and address of her counselor.

Each type of decision requires different information in order to overturn it. A Zero Award does not need to be appealed; we just need the missing documentation. However, No Minimum Loss and Failure to Perfect Denials require the claimant to submit a written appeal within 45 days. Please do not hesitate to contact us for guidance.



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VVF Collateral Resource Check List

CLAIMANT NAME: _____

	YES	NO	UNK	N/A
WAS THE VICTIM COVERED BY MEDICAL/HEALTH INSURANCE? (at the time treatment was rendered)				
*If NO , has the victim filed a charity care application with the hospital? <u>PLEASE NOTE:</u> all uninsured victims MUST apply for charity care assistance with the hospital and submit approval/denial letter to VVF.				
*If NO , has the victim applied for Medicaid?				
DID THE INCIDENT TAKE PLACE IN A VEHICLE (e.g. assault <u>in</u> a vehicle) or WAS INCIDENT CAUSED BY A VEHICLE (e.g. DUI, hit & run)?				
*If YES , does the victim have automobile insurance?				
*Has the victim filed a claim with his/her auto insurance carrier? The victim MUST file a claim with his/her auto insurance company. <u>PLEASE NOTE:</u> Some auto policies will cover medical expenses for any incidents taking place in or involving a vehicle (even non-auto accidents)				
*If YES , does the offender have automobile insurance?				
*Has a claim been filed with the offender's auto insurance carrier?				
*If YES , and the owner of the vehicle is NOT the victim or the offender, does the owner of the vehicle have automobile insurance?				
*Has a claim been filed with the owner of the vehicles auto insurance carrier?				
DID THE INCIDENT OCCUR AT THE VICTIM'S WORK OR OCCUR WHILE VICTIM WAS ON THE JOB?				
*If YES , has a claim been filed with Workers' Compensation (VWC)?				
NOTE: If incident occurred at work (or while working), the claimant must file an application with VWC, and forward decision letter to VVF.				
WAS RESTITUTION ORDERED IN THE CRIMINAL CASE?				
*If YES , please advise our office of the amount ordered, what expenses restitution was ordered for, who it was ordered to and whether or not a change order can be requested.				
HAS THE CLAIMANT FILED A CIVIL SUIT OR IS THE CLAIMANT PLANNING ON FILING A CIVIL SUIT?				
*If YES , Please forward attorney information and case status to VVF.				
FOR HOMICIDE CLAIMS				
DID THE VICTIM HAVE LIFE / BURIAL INSURANCE?				
*If YES , is the claimant the beneficiary?				
NOTE: If there is a life insurance policy VVF must receive <u>summaries of life in insurance benefits</u> that show payout information and the name of the beneficiary.				
DOES THE CLAIMANT HAVE HEALTH INSURANCE (for grief counseling)?				
HAS THE CLAIMANT RECEIVED ANY DONATIONS OR HAVE ANY CHARITABLE ACCOUNTS BEEN ESTABLISHED TO ASSIST WITH FUNERAL EXPENSES (e.g. GoFundMe)?				
*If YES , please provide our office with details of donations.				
IF APPLYING FOR CRIME SCENE CLEAN-UP OR CRIME-RELATED DAMAGE DONE TO EXTERIOR WINDOWS OR DOORS ...				
DOES THE CLAIMANT HAVE HOMEOWNER'S OR RENTER'S INSURANCE?				
*If YES , has a claim been filed with homeowner's/renter's insurance?				
<u>PLEASE NOTE:</u> If the cost of repairs is greater than the amount of the insurance deductible, then a claim must be filed with homeowner's or renter's insurance. If the cost for repairs is less than the deductible amount, then the claimant must submit proof of deductible amount to VVF.				

**IF USING WEBFILE, PLEASE UPLOAD THIS DOCUMENT TO THE CLAIM