



# **MENTAL HEALTH PROVIDER PACKET**

OFFICE OF THE FIRST JUDICIAL DISTRICT

JEFFERSON & GILPIN COUNTIES

COLORADO

CRIME VICTIM COMPENSATION BOARD

Updated 05/01/2023.

Dear Mental Health Professional:

Thank you for your interest in, and commitment to, serving crime victims in the First Judicial District.

This packet is provided as a resource for mental health providers working with our district's Crime Victim Compensation program. **It is your responsibility to review the attached policies and procedures before treatment is provided, as not all treatment is covered under this program.**

The following information is covered in this packet:

- Mental Health Policies for the First Judicial District (including minimum provider requirements to be approved for payment through this program).
- Payment conditions and fiscal limitations
- Issues to consider before accepting a crime victim as a client.
- The Crime Victim Compensation claim and billing processes.
- Statutory requirements for claim approval.

If you have any questions after reviewing this packet, please contact the CVC Program by email [at: DA-CVC@jeffco.us](mailto:DA-CVC@jeffco.us) or by telephone at: 303-271-6846. A member of the CVC program will be happy to help you. We look forward to continuing our work together.

Sincerely,

Valarie Van Kam  
Crime Victim Compensation Administrator  
First Judicial District, Colorado

### **Statutory Requirements for a Crime Victim's Eligibility**

- Crime must have occurred in either Jefferson or Gilpin County
- Crime must have occurred after July 1, 1982
- The victim must report the crime to police within 72 hours of the occurrence.
- The victim must be innocent of wrongdoing or contributory conduct.
- The victim must cooperate in the investigation and prosecution of the suspect.
- The victim must apply for Crime Victim Compensation within one (1) year of the date of the crime.

Most of the statutory eligibility requirements can be waived by the Board in the interest of justice. If you are working with a victim, please refer them to CVC even if they don't meet all the conditions above.

### **Other services offered by Crime Victim Compensation**

- Crime related medical or dental care.
- Lost Wages
- Loss of support
- Repair/replacement of doors, locks, windows damaged during the crime for the safety of victims.

\*This list is not all inclusive.

### **Crime Victim Compensation Process for mental health services**

- 1. The victim gives a mental health provider, who meets the minimum CVC Board requirements, a voucher for three (3) assessment sessions provided by the Crime Victim Compensation Board.** Both primary and secondary victims will have their own claim number. The mental health provider may bill CVC for the three sessions prior to submitting a treatment plan. These sessions must be one on one, and in person. Teletherapy is allowed at the discretion of the victim and therapist when in person therapy is not a viable option. Therapy services provided via telehealth modality must meet the statutory and regulatory requirements established by the licensing board overseeing the treating mental health provider and must be in alignment with HIPPA rules and regulations. The provider must provide proof to the CVC Board that the platform being utilized meets these guidelines.
- 2. The mental health provider submits a Treatment Plan to our office** on this program's standardized form.

- 3. Mental health sessions available for a primary victim:** The number of sessions approved will continue to be based on the severity of the crime and victim issues presented in the therapist's treatment plan. However, the Board will initially approve up to **40** mental health sessions for a primary victim. Extension requests will be accepted for primary victims and should illustrate the need for additional sessions. The Board can approve up to **15** sessions in an extension request (please use extension request treatment plan form). This increase in number of sessions is effective on 5/1/2023.
- 4. Mental health sessions available for a secondary victim:** Secondary victims are defined as parents, children, siblings, guardians, dependents, and persons of intimate or domestic relationships. A secondary victim may also be any person who attempted to assist or assisted a primary victim. This includes witnesses who heard, saw, or were present during a criminal incident committed against another individual. Secondary victims may be granted up to a maximum of **25** sessions and are not eligible for an extension. This increase in number of sessions is effective 5/1/2023.
- 5. Secondary victims of homicide or death cases:** The Board will approve mental health sessions to secondary victim of this type of crime with the same criteria they approve for primary victims. Please refer to #3 above for further information.
- 6. The CVC Board reviews the Treatment Plan at the next monthly board meeting** and a decision letter will be e-mailed and/or mailed to the victim and mental health provider within 10 business days of their decision. Only current treatment plans/extension forms will be accepted. The victim's claim number must be on the treatment plan.
- 7. The mental health provider submits a monthly itemized bill.** Eligible bills received in our office by **5pm on the first day of the month** are paid by the end of that same month (if the first day of the month falls on a weekend, the cut-off will be 5pm on the next business day). If a bill is received after the first day of the month, payment will not be made until the end of the following month. Please review the Billing information/Payment policies section below for detailed information.
- 8. The Board strongly urges the mental health provider to accept the compensation payment as payment in full** for services rendered. However,

if the provider is not willing to do that, the victim must be told before any services are initiated; payment for the additional fee then becomes negotiable between client and mental health provider. The victim should be informed s/he has the right to request or seek out a mental health provider who is willing to work within those restrictions.

- 9. The Board will consider an extension of mental health services for primary victims:** A mental health extension request may be submitted to the CVC Board, for primary victims. The primary victim and mental health provider will be notified of the Board's decision via e-mail and/or mail within 10 business days of the CVC Board meeting. The CVC Board will not consider an extension request for mental health services for secondary victims.

### **Billing Information/Payment Policies**

**Please note that if these steps are not followed, it will result in a delay of payment.**

- Once the CVC Board has approved three initial mental health assessment sessions, the CVC Board will make payment on those sessions even if a treatment plan is not submitted. Please submit an itemized invoice for those sessions. Please see the below requirements of an "itemized invoice".
- All primary and secondary victims have their own claim number. If you do not have each claim number please contact [da-cvc@jeffco.us](mailto:da-cvc@jeffco.us) to request it.
- **Itemized invoices must be submitted:** An itemized invoice contains:
  1. The mental health provider's name,
  2. The client's name,
  3. The client's claim number (if you do not have the claim number please [e-mail da-cvc@jeffco.us](mailto:da-cvc@jeffco.us) to obtain the claim number prior to submitting the invoice),
  4. Date(s) of service,
  5. A CPT code for each date of service,
  6. Description of service,
  7. Length of each session,
  8. Cost per session based on current fee schedule (see page 6)
  9. And any payment received.
  10. If the victim's insurance is billed, EOB's must also accompany the submitted invoice.

- Once the treatment plan is approved, any eligible bill that reaches our office by **5pm** on the **first day of the month** is paid by the end of that same month. Any bill received in our office after the first day of the month will not be paid until the end of the following month.
- While **the Board does not fund family therapy**, the members recognize the importance of having non-offending parents and/or guardians occasionally join in the *individual* sessions of their minor child. These sessions should not be for the purpose of family therapy and should not be billed as family therapy. These sessions should be for supporting the minor child, and should be billed as individual sessions, if that is the purpose.
- CVC is the payer of last resort per statute. If you are a mental health provider that accepts your client's insurance, Crime Victim Compensation **cannot make payment until an explanation of benefit (EOB) is received by our office for each date of service**. If your client has been denied in full by the insurance company, only one explanation of benefit showing the denial is needed. The Board has a strict policy that only the patient's responsibility amount, as indicated on the EOB, will be paid by Crime Victim Compensation, up to the maximum amount of the *approved fee schedule per individual session, EMDR and Neurofeedback session(s)*, and \$40 per group session. No exceptions will be made to this policy.

**The following are examples of how CVC will reimburse mental health bills with insurance:**

- **Example 1:** Provider charges the victim \$150.00, and the provider is not contracted with the victim's insurance carrier, or the victim doesn't have insurance. The victim is responsible for the entire \$150.00. CVC will pay the claimant \$90.00\* if there is verification that they have paid the provider. If the bill remains due to the provider, then CVC will pay the provider \$90.00. The victim is responsible for the remaining \$60.00 unless the provider agrees to accept the CVC rate of \$90.00. \*(Note: example is based on individual session fee of \$90. Amounts paid to claimant/provider will vary based on current individual fee structure per provider– see page 6).
- **Example 2:** Provider charges victim \$150.00 for an individual session and the provider is contracted with the victim's insurance carrier. The provider bills the insurance company and receives \$80, which is their contracted rate. The EOB indicates that the victim/insured responsibility is \$40 for the co-pay. CVC will

pay the victim \$40.00 for the co-pay if there is verification that they have paid the provider the co-pay. If the co-pay remains due to the provider, then CVC will pay the provider the outstanding \$40.00. \*Provider should not charge the victim the remaining balance of \$30.00 because the provider and insurance company have a contractual agreement for \$80.

## **CVC Program Mental Health Policies**

### **General Information**

Crime Victim Compensation funds are limited and may only be used to help crime victims initiate their recovery from the trauma of the crime. Financial constraints coupled with a significant demand for victim services prevent the fund from being able to aid throughout the entire recovery process.

The Crime Victim Compensation Board must work within the parameters of state law, policy limits, and fiscal constraints, while giving priority to the best interests of the victims. To that end, the Crime Victim Compensation Board sets policies and procedures, and demands certain qualifications of service providers who expect to be paid with Crime Victim Compensation funds, to ensure that the most effective help is given to victims of crime. The Board's policy is to concentrate the majority of funding on the needs of the primary victim; therefore, awards for secondary victims are limited and awarded only under specific circumstances.

### **Mental Health Provider Requirements**

The mental health provider must:

- Be a state licensed mental health provider; or have a master's degree in a mental health related field and be supervised by a state licensed mental health provider.
- Be registered with the Department of Regulatory Agency (DORA) or other mental health licensing Board in the State in which the provider practices.
- Must not have any current unresolved disciplinary actions with the State licensing agency.
- Must demonstrate prior experience and education working with victims of crime/trauma.

### **Mental Health Referrals**

Please note that our Board feels it is a conflict of interest for CVC administrative staff members to give referrals, so our CVC administrator will approve providers and disburse a list of approved providers to our law enforcement, district attorney and non-

profit advocate partners. If you wish to be added to the list provided to advocates, please mark that on your therapist questionnaire or contact the CVC administrator to be added. It is our law enforcement, district attorney, and non-profit advocates that will provide referrals directly to crime victims.

**Eligible Services and Fee Structures:**

- Three individual, face-to-face sessions to provide an assessment of the primary or secondary victim, and to develop a treatment plan accordingly.
- One (1) session paid per date of service. More than one (1) session on the same date of service will not be compensated beyond the one (1) session rate.
- Individual sessions. Must be a minimum of 45 minutes and will be paid based on the following fee schedule (effective for any sessions on or after 5/1/2023. If you have not submitted a therapist questionnaire within the past 2 years, you may be required to submit an updated one prior to an increase in fees):
- **Licensed Psychologist** - \$150/session
- **State licensed mental health professional** - \$130/session (to include LPC, LCSW, LMFT, NBCC and non-Psychologist PhD)
- **A mental health professional who is supervised directly by a licensed mental health professional** - \$100/session.
- **Non-licensed therapists working without a licensed supervisor** will not be compensable through CVC funds.
- \$40 per therapeutic group contact. (Group sessions must be included in treatment plan goals.
- EMDR sessions will be paid out based on the individual session structure fees above and will count towards the total number of sessions awarded by the board.
- Neurofeedback/Microcurrent sessions will be paid out based on the individual session structure fees and will count towards total number of sessions awarded by the board.



- Teletherapy is allowed at the discretion of the victim and therapist when in person therapy is not a viable option. Therapy services provided via telehealth modality must meet the statutory and regulatory requirements established by the licensing board overseeing the treating mental health provider and must be in alignment with HIPPA rules and regulations. The provider must provide proof to the CVC Board that the platform being utilized meets these guidelines.

### **Ineligible Services:**

- Payment of sessions after the number of approved sessions have been exhausted.
- Family, couples, or marital counseling
- Individual sessions less than 45 minutes
- Professional consultations
- Missed or cancelled appointments
- Trial attendance
- Telephone contacts or videoconferencing with victims or other service providers, unless approved by the Board prior to such contact.
- Report writing
- Recurrent/intermittent therapy, unless deemed appropriate by the Board prior to such treatment.
- Victim and perpetrator being treated by the same mental health provider or at the same practice (Exception: In those situations where a crime victim chooses to be in treatment with the same agency providing treatment to his/her perpetrator, it is the policy of this Board to pay for the victim's treatment only if those services are provided by a different mental health provider in a separate, safe facility of that agency, permanently designated for non-perpetrator treatment.)

### **Insurance/Other Collateral Sources:**

Crime Victim Compensation is the payor of last resort per statute. Please see the above payment policy regarding insurance and other collateral sources.

### **Mental Health Assessments**

The Board will provide primary and secondary victims with a voucher for three initial assessment sessions. This will allow a state licensed mental health provider to assess their client's needs and formulate a treatment plan. Additional funding, beyond the three assessment sessions, will only be considered when the mental health provider submits a treatment plan. The Board's Initial Treatment Plan form must be utilized and must be typed. Payment for the three initial sessions may be

made upon receipt of an itemized invoice. Assessment sessions will be encumbered for a period of 6 months from the date of award. Award for additional sessions, beyond the initial three assessment sessions, is not guaranteed.

### **Initial Treatment Plan**

For mental health treatment beyond three initial assessment sessions a treatment plan must be submitted for all primary and secondary victims. The board will review each treatment plan and may approve additional mental health therapy based on the mental health provider's recommendation and requested number of sessions. Therapy approvals will be encumbered for six months and extended until exhausted if the victim is attending therapy on a regular basis. Letters of approval will be mailed to the victim and the mental health provider. A treatment plan is exclusive to the mental health provider and may not be transferred to another provider.

### **Mental Health Extensions**

If a primary victim would benefit from crime related mental health therapy beyond the initial therapy approval, the board will accept and review an extension request. This applies to primary victims only. Extension approvals will be encumbered for six months and will be extended until exhausted if the victim is attending therapy on a regular basis. Letters of approval will be mailed to the victim and the mental health provider. An extension approval is exclusive to the mental health provider and may not be transferred to another provider.

### **In-Patient Treatment**

Payment for short-term in-patient mental health treatment needed as a result of the crime may be considered for payment. Due to financial constraints, the program may not compensate for long-term in-patient mental health treatment. If approved, payment will be considered a medical expense by the CVC Board. There must be a clear nexus between the victimization and the need for in-patient care. This award is strictly limited to treatment for crime-related issues incurred within one year of the date the crime was reported. Other CVC policies may apply.

### **Medical evaluations/medical management/prescription costs**

Mental health providers may refer their Crime Victim Compensation clients to a medical doctor or psychiatrist for a medical evaluation if it is deemed necessary. For verification purposes, the mental health provider should inform our office if a referral is made. This benefit is extended only to primary victims.

Compensation will be paid for a total of up to 12 medical evaluation/medical management sessions for the primary victim, to be used concurrently with mental health therapy sessions awarded by the CVC Board. If the victim is not covered by insurance, the doctor or psychiatrist will be reimbursed at 80% of their customary rate, with the expectation the provider will accept this as payment in full.

The Compensation program will also reimburse the victim for the cost of psychotropic medication prescribed as a result of such medical evaluation, through the completion date of mental health therapy sessions awarded by the CVC Board. The client must submit an itemized receipt for the prescription, which is commonly attached to the prescription package by the pharmacy.

Acknowledging that trauma may exacerbate pre-existing mental health conditions, those victims who required psychotropic medication prior to reporting a crime are also eligible for reimbursement for their psychotropic medications, but only from the date the crime was reported, to the completion date of mental health therapy awarded by the CVC Board.

### **EMDR**

The program will compensate EMDR sessions based on the individual fee schedule (please refer to fee schedule on page 6) per EMDR session of no less than 45 minutes in duration. The number of EMDR sessions will go towards the total number of sessions awarded by the CVC Board.

### **Neurofeedback sessions**

The Board will approve neurofeedback (to include microcurrent neurofeedback) therapy solely in conjunction with traditional talk therapy. The Board requires that a treatment plan be submitted, as well as itemized bills, and upon approval, payment will be made at the standard rate per individual fee schedule. The number of Neurofeedback/Microcurrent (MCNF) sessions will go towards the total number of sessions awarded by the CVC Board.

### **Interpreter/translator services**

The Board will approve, on a case-by-case basis, payment for an interpreter for non-English speaking, deaf or hard of hearing victims, to assist with their mental health treatment. Before payment may be made to the interpreter, a treatment plan from the mental health provider must be approved by the Board, and itemized bills submitted by

the provider, to ensure that billing for interpretation services correspond with sessions held with the victim. Payment will not be made for appointments missed by the victim.

### **Change of mental health provider**

If a Crime Victim Compensation client wants to change mental health providers part way through the awarded sessions, s/he must notify the current provider in writing. When this information is reviewed by the Board as a Special Request, written notification of the Board's decision will be sent to the client and their new mental health provider. Until the Board approves the change, there is no guarantee of payment for any of the sessions with the new mental health provider.

### **Sessions for child sexual assault victims**

Children who are strongly believed to have been victimized due to reported or observed behaviors, but have not made a disclosure, may initially be approved for 12 sessions only. If a disclosure is then made to the mental health provider and is reported to law enforcement, the mental health provider will be approved to submit a treatment plan, and additional sessions may be awarded. Parental/secondary awards will be pending based on a disclosure by the primary victim.

### **Multi-disciplinary team (MDT/CST) meetings**

Upon approval of a victim's treatment plan, the Board will provide compensation to the victim's mental health provider to represent the victim at up to six (6) MDT/CST meetings, at a maximum of the individual fee schedule (see page 6). The CVC Board limits this award to MDT/CST meetings that fulfill the Sex Offender Management Board's (SOMB) purpose for the involvement of a mental health provider representing the victim as defined in SOMB Standards.

### **Court support sessions**

The program will allow both primary and secondary victims whose approved mental health therapy has been completed to use up to eight (8) additional sessions with their mental health provider for court support. The mental health provider must request the sessions in writing. This applies in cases in which the prosecution of the suspect has been delayed beyond the completion of mental health sessions previously awarded by the CVC Board, or the court case has been re-opened. The additional sessions are to be scheduled expeditiously by the treatment provider. The Board may also, on a case-by-case basis, approve up to eight (8) additional mental health sessions at other significant stages of the judicial process (i.e., appeal, reconsideration of sentencing, release of defendant from DOC, etc.). Court support sessions may be requested only once per claim.

### **Victim-perpetrator (clarification) therapy sessions**

The program will compensate for a maximum of six (6) victim-perpetrator (clarification) therapy sessions. These sessions are considered at the sole request of the victim and the victim's mental health provider. These sessions may be performed after sessions previously awarded by the CVC Board are exhausted, without requiring a formal request for an extension of therapy. Victim-perpetrator sessions must be facilitated by both the victim's and perpetrator's mental health provider. However, payment will only be made to the victim's mental health provider at the program's set rate for individual therapy sessions.

### **404B witnesses**

The Board will review, on a case-by-case basis, requests for mental health services by individuals who are required to testify as 404B witnesses in cases involving compensable crimes. The Board may award up to 12 mental health sessions which should be used within nine (9) months of the date of approval.

### **Animal-Assisted Therapy**

The Board will approve animal-assisted therapy in lieu of, or in conjunction with, traditional talk therapy, but not in addition to such sessions. The Board requires that a treatment plan be submitted, as well as itemized bills, and upon approval, payment will be made at the individual rate per fee schedule (see page 6).

### **Non-traditional methods of mental health treatment**

The Board will consider, on a case-by-case basis, approving alternate methods of mental health-related treatment, such as Model Mugging, Outward Bound, or self-defense classes, upon receipt of a letter or recommendation from the victim's mental health provider, or a written request from the victim. This option is extended only to primary victims and is subject to prior approval by the Board. The Board has placed a limit of \$500 on such an award. Payment will be made upon submission of an itemized bill from the provider.

### **Victims who have also been identified as offenders.**

Board policy states that victims who have been court-ordered to attend offense-specific treatment must complete the court-ordered treatment before payment may be made through Crime Victim Compensation for treatment of issues involving their victimization.

### **Victimization while in custody or placement**

The Board will accept claims for mental health services from crime victims whose victimization occurred while in custody or placement in a correctional facility or group home, or otherwise in custody of the state or county. Arrangements to provide the therapy cannot be the responsibility of the Crime Victim Compensation board.

Applications for juvenile or child victims should be submitted by their legal guardian. Applicants who were victimized while in the custody of a correctional facility are only eligible for payment of mental health sessions held after their release from the facility.

### **Time limits for services**

Awarded mental health sessions will be encumbered for 6 months and extended until exhausted. Sessions will be unencumbered after any 6-month period of inactivity. Claimants can continue sessions after a 6-month period of inactivity up to one year. Remaining sessions, upon continuing after a 6-month period of inactivity will be re-encumbered and extended until exhausted, up to one year of inactivity. After one year of inactivity, the victim or mental health provider must request, in writing, approval from the CVC Board for authorization to attend further sessions. Upon request the CVC Board may approve a new assessment to determine current mental health needs related to the crime.

An extension approval is exclusive to the mental health provider and may not be transferred to another provider.

### **Provider Under Review**

The CVC Board retains the discretion to limit, suspend or deny payment of bills submitted by a provider who is under review by a licensing board, or under investigation by a law enforcement agency. If the provider has been convicted of, or has admitted to, defrauding any Crime Victim Compensation program or committing an unlawful or unethical act that may compromise a crime victim's treatment, the provider is ineligible for payment through Crime Victim Compensation.

Should the CVC Board decide to limit, suspend or deny payment of bills, the following procedures will apply:

1. The CVC Board will notify the provider, in writing, of any change in payment status.
2. The CVC Board will also notify any claimants receiving services from the provider of any change in the payment status.

3. It is the responsibility of the provider who receives such notification from the CVC Board to make arrangements with clients for services provided after the date of notification.
4. It is also the responsibility of the provider to submit written documentation of the final findings and outcome of a licensing review and/or criminal investigation, prior to the CVC Board considering reinstatement of payment to that provider, if applicable.

Feel free to contact us for any questions you may have.

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