



California Victim Compensation Program



STATE OF CALIFORNIA
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TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD VICTIM COMPENSATION PROGRAM REGULATIONS

Title 2, §§ 649, 649.4, 649.8, 649.26, 649.29, 649.32, 649.40, 649.43, 649.62

[Notice Published November 8, 2013]

The Victim Compensation and Government Claims Board (Board) proposes to amend the regulation described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on December 23, 2013. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Geoff Feusahrens, Regulations Analyst
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 11400.20, 13920 and 13974 authorizes the Board to adopt this proposed regulation. The proposed regulation implement, interpret and make specific Government Code sections 13920, 13956 and 13974.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Government Code section 13950 requires the Board, through the California Victim Compensation Program (VCP), to “assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts.” This rule-making action includes revisions to the regulations to improve the verification process for initial eligibility, as well as for income/support loss and mental health benefits. This rule-making action also defines what constitutes a lack of cooperation with the Board by mental health providers, includes several provisions to clarify regulatory language, and corrects grammatical errors.

The proposed regulations and revisions will benefit claimants and VCP staff by reducing confusion caused by unclear language in the current regulations, increasing the types of income loss and other benefits eligible for reimbursement, and by increasing the number of mental health professionals eligible to treat victims under the VCP. The improved clarity in the proposed regulations will also help ensure that claims are processed more quickly because claimants, mental health professionals, and VCP staff will have a better understanding of what verification is necessary before benefits can be granted, and what actions constitute a lack of cooperation with the VCP. Finally, the proposed provisions ensure that VCP regulations conform to the requirements of the Department of Corrections Realignment Plan.

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After performing a review of any related regulations, VCP has concluded that these are the only regulations relating to victim compensation. Therefore, these proposed regulations are neither inconsistent, nor incompatible, with existing state regulations.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

It is not anticipated that these proposed regulations will appreciably increase or decrease the number of applications VCP processes because the main purpose behind the proposals is to enhance clarity for both claimants and professionals who use VCP. The proposed regulations will not create jobs or new businesses within the mental health field because VCP has no information that victims of crime are the sole, or even the majority, of patients treated by the small number of licensed professional clinical counselors and/or interns practicing in California. However, the regulations may encourage private mental health practices to treat victims because the specialty will now be eligible for reimbursement.

Adoption of these regulations will:

- (1) provide a benefit to the health and welfare of California residents, worker safety, and the state's environment.

It is anticipated that clarifying eligibility and verification procedures in order to conform to applicable statutes will benefit the welfare of California residents and the state's environment by ensuring that contradictory regulations do not remain in effect. In addition, streamlining the processing of VCP applications will benefit the health and welfare of California residents by ensuring that eligible victims timely receive the benefits they need. There is no impact on worker safety.

Disclosures Regarding the Proposed Action. The Board has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:

The proposed regulations will not result in a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private individual or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (4) create or eliminate jobs within California;
- (5) create new businesses or eliminate existing businesses within California; or
- (6) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation does not affect small businesses because the regulation only applies to individuals who apply to CalVCP.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and

brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested individuals to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person concerning the proposed administrative action may be directed to:

Mary Lundeen
Victim Compensation and Government Claims Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3751

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the original proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of the modified regulation to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Geoff Feusahrens at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

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