

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 801
Judiciary

(Delegate Attar)

Criminal Injuries Compensation Board - Eligible Individuals and Direct Reimbursement for Mental Health Services

This bill alters the individuals who are eligible for awards from the Criminal Injuries Compensation Fund (CICF) to include a parent, a child, a stepchild, a sibling, or an intimate partner of a victim who received psychiatric, psychological, or mental health counseling due to the injury to the victim. If a mental health professional provides mental health counseling to a victim or a parent, a child, a stepchild, a sibling, or an intimate partner of a victim, the services must be provided without charge to the individual. The mental health professional: (1) must be paid by the Criminal Injuries Compensation Board (CICB) for the costs of providing the services; (2) must provide written or electronic verification signed by a qualified health care provider to CICB that mental health counseling services were rendered to a victim of a crime or a parent, a child, a stepchild, a sibling, or an intimate partner of a victim; and (3) may not include in any request to obtain payment, a narrative describing the alleged offense of a victim or a photograph of the victim. Services provided are subject to the compensation limits under current law. An award must be reduced by the amount of any payments received or to be received as a result of the injury that were provided directly to a mental health professional. CICB, in consultation with the Maryland Department of Health, must adopt regulations to implement the direct reimbursement of mental health professionals for services provided under the bill's provisions.

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources and is not anticipated to materially affect the overall finances of CICF.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: CICB in the Victim Services Unit of the Governor's Office of Crime Prevention, Youth, and Victim Services administers a compensation program for victims of crime, persons who have made efforts to prevent crime, and their dependent survivors. After review and evaluation of claims filed, the board awards compensation from CICF for medical expenses, funeral or death-related expenses, property damage, disability or dependency claims, other necessary services, and lost wages under certain circumstances. In general, a claim must be filed with CICB within three years after the occurrence of the crime or delinquent act or the death of the victim. However, in the case of child abuse, a claim may be filed until the date the child who was the subject of abuse reaches the age of 25 or, if the board determines that there was good cause for failure to file a claim by that date, at any time. Also, in a case of sexual assault, a claimant is authorized to file a claim at any time if the board determines that there was good cause for failure to file a claim within the otherwise required time limits.

CICB is also responsible for the reimbursement of a physician, qualified health care provider, or hospital that is entitled to payment for expenses incurred providing a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse with (1) a physical and sexual assault forensic examination to gather information and evidence; (2) emergency hospital care for up to 90 days after the initial physical examination; and (3) up to five hours of professional time to gather information and evidence at no cost to the victim.

CICF is a special, nonlapsing fund that receives funding from several sources, including investment earnings and federal matching funds received by the State for criminal injuries compensation. A small portion of the funding is from restitution paid by a defendant to the fund for reimbursement of money already paid by the fund to a victim. However, CICF's principal source of money is from costs imposed in criminal cases.

Compensation awarded from CICF may not exceed:

- \$25,000 for a disability-related or dependency-related claim; however, if the injury to the victim results in permanent total disability, an additional \$25,000 may be awarded after a disability-related claim has been awarded to the victim;
- \$45,000 for a medical claim;
- \$10,000 for each claimant for psychiatric, psychological, or mental health counseling, as specified;
- except for a specified disability-related or dependency-related claim, a total of \$45,000, including any subsequent and supplemental awards;

- \$250 for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime;
- for an award for psychiatric, psychological, or mental health counseling: (1) \$10,000 for each claimant and (2) \$20,000 for each incident; or
- \$2,000 for lost average weekly wage claims, as specified.

An award made by CICB must be reduced by the amount of any payments received or to be received as a result of the injury: (1) from or on behalf of the offender; (2) except from any proceeds of life insurance, as specified, from any other public or private source, including an award of the State Workers' Compensation Commission under the Maryland Workers' Compensation Act; (3) from any proceeds of life insurance in excess of \$25,000; or (4) as an emergency award, as specified.

Small Business Effect: The bill may have a meaningful impact on small business mental health professionals who provide counseling to victims or other eligible individuals. The bill prohibits such providers from requesting direct payment from victims/other eligible individuals who receive counseling and instead requires providers to be paid by CICB. Providers may experience delays in revenues associated with this reimbursement method.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Governor's Office of Crime Prevention, Youth, and Victim Services; Maryland Department of Health; Department of Legislative Services

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