

ATTORNEY GENERAL[61]

Notice of Intended Action

**Proposing rule making related to crime victim assistance
and providing an opportunity for public comment**

The Attorney General hereby proposes to amend Chapter 9, “Victim Assistance Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 915.82(2) and 915.83(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 709 and 915.

Purpose and Summary

The purpose of this proposed rule making is to implement rules based on statutory provisions authorized under 2009 Iowa Acts, chapter 179, section 47; 2011 Iowa Acts, chapter 34, section 157; and 2018 Iowa Acts, chapter 1107, sections 1 and 2; and to amend rules adopted under Iowa Code chapter 915, subchapter VII, Victim Compensation, and subchapter V, Victims of Sexual Assault. The amendments will modernize the administrative rules in Chapter 9 and help control costs to the crime victim compensation fund.

The crime victim compensation fund has experienced a cumulative decrease of \$1,726,500 in deposits from state revenue sources between SFY13 and SFY17. During the same period, the compensation fund has seen an increase in obligations for sexual assault examinations. The cost per claim has risen from \$719 in SFY14 to \$911 in SFY17. During this period, the number of claims submitted by medical providers has risen by nearly 20 percent. The proposed amendments would allow the Crime Victims Assistance Division to set reasonable rates for the laboratory and prescription drug charges billed to the fund. The average cost per claim has risen from \$100 per claim in SFY13 to \$207 per claim in SFY17 for prescription drugs, and the average cost per claim has risen from \$156 per claim in SFY13 to \$196 per claim in SFY17 for laboratory charges.

Compensation payments made to eligible victims are not taxable under state or federal tax regulations. Under current rules, the Crime Victim Compensation Program calculates income loss at the gross rate of pay. Since payments are not considered taxable income, a decrease would not impact an eligible victim’s out-of-pocket wage loss. However, a percentage decrease would assist the Iowa Department of Justice with controlling obligations of the fund.

This rule making proposes to rescind subrules 9.35(5) and 9.35(6) regarding compensation for counselors funded by the federal Victims of Crime Act (VOCA). The Department ceased compensating VOCA-funded programs in 2010 because compensating a VOCA-funded counselor may violate certified assurances subgrantees provide when accepting VOCA funds.

This rule making would enhance the ability of the program to compensate eligible survivors of a deceased victim for up to 30 days of lost wages following the death of an eligible victim. Under current rules, the program can compensate the parent, spouse, or child of a deceased victim for up to 30 days of lost wages without a disability statement. The proposed amendments would enhance the program’s wage loss benefit for eligible survivors when the relationship between the deceased victim and the survivor compels the survivor to miss work for grief and the missed work is documented.

This rule making also proposes amendments that make grammatical changes and update cross references in the rules.

Fiscal Impact

From SFY14 to SFY17 wage loss payments totaled \$3,093,311. A 25 percent reduction to gross wage calculation is proposed in this rule making. Based on wage loss payments issued between SFY14 and SFY17, this reduction would save an average of \$193,331 per year.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Attorney General for a waiver of the discretionary provisions, if any, pursuant to rule 61—9.37(17A).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Attorney General no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Robert Hamill
Office of the Attorney General
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: robert.hamill@ag.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 61—9.26(915) as follows:

61—9.26(915) Definitions. For rules of the crime victim compensation program of the crime victim assistance division of the department of justice, the following definitions apply:

“*Affinity*” means the relationship of persons who are related by marriage, cohabitation, or engagement to be married.

“*Applicant*” includes the following individuals who file an application with the crime victim compensation program:

1. A victim of a crime as defined in Iowa Code section ~~915.80(6)~~ 915.80.
2. A person responsible for the care and maintenance of a victim.

3. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and ~~the act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law.~~ any of the following apply:

- The act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law;
- The act occurred in a state or foreign country whose victim compensation program has insufficient or inadequate benefits; or
- The act occurred on an aircraft while in flight or occurred on waters outside of the jurisdiction of any particular state or country.

4. In the event of a victim's death, the spouse, ~~children, parents, siblings, or persons former spouse,~~ child, foster child, parent, legal guardian, foster parent, stepparent, sibling, or foster sibling of a victim, or a person cohabiting with, or otherwise related by blood or affinity to the victim. An estate is not an eligible applicant for crime victim compensation. An estate shall, however, be reimbursed for funeral and burial expenses if the estate paid the costs on behalf of an eligible applicant who shall benefit from the proceeds of the estate.

5. A legal representative authorized to act on behalf of any of the persons listed above.

"Board" means the crime victim assistance board of the department of justice.

"Causal relationship" means that the crime would not have occurred without the action of the victim. A causal relationship exists if the actions of the victim result in a foreseeable injury, play a substantial role in the injury, or directly cause the injury.

"Claimant" means an applicant who has been found to be eligible for compensation.

"Cohabiting" means living in the same household. It is not necessary to establish that a sexual relationship exists between the parties.

"Compensation" means moneys awarded by the division as authorized in Iowa Code chapter 915.

"Consent" means to agree to a course of action or to voluntarily allow what is planned or done by another.

"Counseling" means problem solving and support concerning emotional issues that result from a compensable crime. Counseling is a confidential service provided ~~in person~~ on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning. Counseling does not include victim advocacy services ~~such as crisis telephone counseling~~; conversation in a nonprivate setting such as the common area of a shelter or a courthouse; transportation; or attendance at medical procedures, law enforcement interviews or civil and criminal justice proceedings.

"Crime" as defined in Iowa Code section 915.80 includes:

1. Conduct punishable as a misdemeanor or a felony.
2. Property crimes including but not limited to robbery, residential burglary, and residential arson, where there is a threat of personal injury or harm against a person.
3. Violation of a custody order in which the custodial parent suffers injury.

"Denial" means disqualification of an application or reduction in the amount of compensation paid.

"Department" means the department of justice, i.e., the attorney general's office.

"Dependent" means a person who is wholly or partially reliant upon a victim for care or support and includes a child of the victim born after the victim's death, or a person who is unable to care for himself or herself due to injury, disability, or minor age status.

"Director" means the director of the crime victim assistance division established in the department of justice.

"Division" means the crime victim assistance division of the department of justice.

"Incitement" means to urge forward or to goad to action.

~~*"Income Lost wages or income," "lost income," or "lost wages"*~~ means the gross income or gross wages rate of pay, decreased by 25 percent.

"Medical care" means services provided by or provided under the supervision of a person licensed under Iowa law as a medical physician or surgeon, osteopathic physician or surgeon, chiropractor,

podiatrist, physical therapist, acupuncturist, or dentist. Medical care also includes services rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

“*Medically necessary*” means that the items and services, prescribed or recommended by a medical provider under the prescriptive authority of the medical provider’s license, which are reasonably necessary to facilitate the victim’s physical and emotional recovery from the compensable crime.

“*Pecuniary loss*” means the amount of medical or medical-related expenses and shall include, but not be limited to, eyeglasses, hearing aids, dentures, prosthetic devices including those which were taken, lost, or destroyed during the crime, home health care, medications, counseling, pregnancy-related services, equipment rental or purchase, property alteration, transportation for emergencies and medical care provided outside the victim’s county of residence, or health insurance premiums covered by an employer previous to the victim’s disability from the crime. Pecuniary loss shall also include the loss of income that the victim has incurred as a direct result of the injury to the extent that the victim has not been and shall not be indemnified from any other source.

“*Personal injury*” or “*injury*” means bodily harm or mental suffering and shall include a victim’s pregnancy or miscarriage resulting from a crime.

“*Program*” means the crime victim compensation program of the department of justice.

“*Provocation*” means to cause anger, resentment, or deep feelings that cause or instigate another to take action.

“*Public funds*” means moneys provided by federal, state, county, city or other local government.

“*Reasonable charges*” means charges ordinarily charged by the provider of the service to the general public for services of a similar nature.

“*Residence*” means a property on which an applicant lives and may include but is not limited to a dwelling, detached garage, shed, or similar structure located on the property, or a privately owned vehicle if the vehicle serves as the primary residence.

ITEM 2. Amend subrule 9.28(4) as follows:

9.28(4) *Program effective date.* The effective date of the crime victim compensation program is January 1, 1983. Victims and survivors of crimes that were committed prior to the effective date ~~are not~~ may be eligible for compensation if the program can obtain sufficient documentation to verify eligibility.

ITEM 3. Amend subrules 9.29(4), 9.29(7) and 9.29(8) as follows:

9.29(4) *Good cause.* In determining whether there is good cause for waiving the requirement to report a crime to law enforcement within 72 hours of the occurrence of the crime, the victim’s age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered. In the event good cause is found, the crime must be substantiated through disclosure to another provider including, but not limited to, a licensed medical provider, a licensed mental health professional, or a designated victim service provider.

9.29(7) *Sexual abuse victim.* For a victim of sexual abuse, ~~the department finds there is good cause to waive the 72-hour reporting requirement~~ may be waived for good cause if a sexual abuse evidentiary examination was completed within 72 hours of the crime and the victim files a subsequent law enforcement report or if the crime was disclosed to another provider including, but not limited to, a licensed medical provider, a licensed mental health professional, or a designated victim service provider.

9.29(8) *Domestic abuse victim.* For a victim of domestic abuse, ~~the department finds there is good cause to waive the 72-hour reporting requirement~~ may be waived for good cause if a pro se protection domestic abuse protective order pursuant to Iowa Code chapter 236 is entered by the court and or if the victim files a subsequent law enforcement report crime was disclosed to another provider including, but not limited to, a licensed medical provider, a licensed mental health provider, or a designated victim service provider.

ITEM 4. Amend rule 61—9.30(915), introductory paragraph, as follows:

61—9.30(915) Cooperation with law enforcement. To be eligible for compensation, the ~~victim of~~ crime ~~victim~~ must cooperate with the reasonable requests of law enforcement. After considering the factors in subrule 9.29(4), the department may waive the requirement if good cause is shown.

ITEM 5. Amend subrule 9.31(4), introductory paragraph, as follows:

9.31(4) Additional assessment of provocation and incitement, and commission of a criminal act. In assessing the causal nature of provocation or incitement and commission of a criminal act pursuant to Iowa Code section ~~915.87(2)“a,”~~ 915.87(2), the division may consider law enforcement documentation that indicates:

ITEM 6. Amend subrule 9.32(2) as follows:

9.32(2) Reopening applications. Pursuant to Iowa Code section 915.83(2), the department may reopen and reinvestigate an application if the department determines that the decision was incorrect or incomplete. A denied application may be reopened and reinvestigated if it is discovered through a criminal trial or other investigatory source that the information relied upon for the denial decision was incorrect or incomplete. The eligibility of an approved application will be reopened for consideration if information is discovered through a criminal trial or other investigatory source that ~~indicates that there is reason to deny the application~~ the information relied upon for the approval decision was incorrect or incomplete. The reopening of a denied or approved case is at the discretion of the administrator for the compensation program, the director, or the board.

ITEM 7. Amend subrules 9.34(2), 9.34(4) and 9.34(5) as follows:

9.34(2) Payer of last resort ~~Payer of last resort.~~ The program is a ~~payer of last resort~~ payer of last resort pursuant to federal law ~~42 U.S.C. 10602(1403)~~ 34 U.S.C. 20102. Compensation shall not be paid for services when the provision for those services is mandated by law or administrative rule to be the responsibility of another governmental unit, private agency or program. Payments shall be reduced by payments made by offenders and third parties responsible for the damages of the crime. The department may waive this requirement for good cause after considering the factors in subrule 9.29(4), for compensation made from state funds.

9.34(4) Insurance providers. Eligible victims and claimants must give service providers the information necessary to bill insurance providers for crime-related treatment. Payment of compensation will not be made if the victim refuses or fails to provide information requested by the service or insurance provider or to sign the required assignment of benefits within a reasonable time frame. The department may waive this requirement if the victim can demonstrate good cause exists. Good cause may include, but is not limited to, situations where the insurance policyholder is the perpetrator of the crime that gave rise to the claim.

9.34(5) Supplanting of funds prohibited. Compensation shall be made only when the claimant is responsible for the cost of crime-related injury. Compensation shall not be paid when a government entity, including but not limited to a mental health facility, jail, or prison, is responsible for the costs of treatment for injury from crime, unless the entity is legally allowed to pass those costs along to the victim.

ITEM 8. Amend rule 61—9.35(915), introductory paragraph, as follows:

61—9.35(915) Computation of benefit categories. The division shall determine the amount of compensation to be awarded to an eligible applicant for injury from crime for each benefit category pursuant to Iowa Code section ~~985.86~~ 915.86.

ITEM 9. Amend paragraphs **9.35(1)“a,” “h” and “i”** as follows:

a. Medical care sanctioned by sovereign nations and tribes. Compensation may be paid for medical care rendered in accordance with a method of healing sanctioned by a state-recognized or federally recognized sovereign nation or tribe.

h. Transportation for medical emergency. Compensation may be paid for the reasonable cost of transportation in a medical emergency by private vehicle at the ~~state rate for boards and commissions per mile~~ per-mile rate established by the department of administrative services for state employees using a privately owned vehicle for state business. Mileage will be based on mileage calculation from the most current map published by the department of transportation. Transportation within a city limits will be based on the program's estimate of mileage from the location of the injured victim to the medical facility.

i. Transportation for nonemergency care. Compensation may be paid for the cost of transportation by commercial vehicle or by private car for nonemergency medical care and counseling received outside of the victim's county of residence. Transportation provided by private vehicle for nonemergency care will be reimbursed at the ~~state rate for boards and commissions per mile~~ per-mile rate established by the department of administrative services for state employees using a privately owned vehicle for state business. Mileage will be based on mileage calculation from the most current map published by the department of transportation.

ITEM 10. Amend subrule 9.35(3), introductory paragraph, as follows:

9.35(3) Mental health counseling. Compensation may be paid for the reasonable costs of up to 12 mental health counseling sessions for eligible crime victims and survivors of a homicide victim. ~~When with the provision of a treatment plan and certification as defined in paragraph 9.35(4) "a."~~ Costs for those 12 sessions will be paid in full if the crime is noted in the treatment plan. If preexisting mental health issues are addressed during crime-related counseling sessions following the initial 12 visits, the program may reduce payment to a percentage equal to the portion of the counseling determined to be directly related to the compensable crime. The mental health counseling provider shall submit a vitae establishing the provider's educational qualifications for compensation. A provider who is required to be licensed under Iowa law must provide proof of licensure and good standing with the professional licensing board. Compensation shall be paid for mental health counseling provided by the following:

ITEM 11. Rescind subrules **9.35(5)** and **9.35(6)**.

ITEM 12. Renumber subrules **9.35(7)** to **9.35(11)** as **9.35(5)** to **9.35(9)**.

ITEM 13. Amend renumbered subrule 9.35(5) as follows:

9.35(5) Counseling with the perpetrator. Compensation for mental health ~~or victim service~~ counseling that includes the perpetrator of the crime may be payable when the perpetrator takes part ~~only~~ to take responsibility for the crime and apologize to the victim and the victim is allowed to confront the perpetrator regarding the effects of the crime; or at the request of the victim.

ITEM 14. Amend renumbered subrule 9.35(7) as follows:

9.35(7) Lost wages or income. Compensation may be paid for reasonable lost wages or income when an eligible crime victim is unable to work as the result of physical or emotional injury from a crime, or as a result of cooperation with the investigation or prosecution of the crime, or due to health and safety concerns related to maintaining employment. ~~Lost wages or income due to crime is determined as follows: the gross rate of pay multiplied by the number of scheduled hours of work missed, decreased by 25 percent pursuant to the definition of "lost wages or income" in rule 61—9.26(915).~~ Lost wages or income due to the crime is determined as follows:

a. Gross wages computed. ~~Lost wages are computed as the gross rate of pay times the number of scheduled hours of work missed.~~

b. a. Variable income. Income that is variable shall be computed based on the average income earned during a minimum 28-day period within the three months preceding the crime. Estimated earnings not supported by past income statements shall not be accepted.

e. b. Self-employment and small business income. Self-employed persons or small business employees must provide federal or state income tax forms for the most recent year completed or verification of average income for a minimum of the past six months. Work estimates, labor contracts, and affidavits from individual employers may be used to establish wages.

~~d. c.~~ *Vacation, sick, holiday, bereavement, and annual leave.* Lost wages or income paid shall not be reduced by vacation, sick, holiday, bereavement, or annual leave available or used by the victim due to the crime.

d. Calculation when rate of pay cannot be established. In the event employment can be verified but the rate of pay cannot be established through pay stubs, state or federal tax forms, or bank statements, compensation shall be calculated at the current state minimum wage rate on the basis of an eight-hour workday.

ITEM 15. Amend renumbered subrule 9.35(8) as follows:

9.35(8) *Lost wages or income ~~due to disability~~ as the result of physical or emotional injury from a crime.* Compensation for lost wages or income incurred within the first two weeks following the crime shall be paid for lost wages incurred by to an eligible crime victim within two weeks after injury from crime or without an authorized disability statement. Compensation for lost wages or income incurred within the first 30 days following the crime may be paid to an eligible survivor of a homicide deceased victim for up to five days within two weeks after the death of a victim without an authorized disability statement. Compensation for lost wages may be paid to the spouse, child, or parent of the homicide victim for up to one month without a disability statement as ~~determined reasonable by the program.~~ A victim or survivor of a homicide victim seeking lost wages for a longer period of time longer than two weeks, or an eligible survivor seeking lost wages for longer than 30 days under Iowa Code section 915.86(10), shall submit a disability statement from a licensed ~~physician~~ medical provider for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in ~~paragraph~~ paragraphs 9.35(3)“a” through “d” for an injury related to mental health. Compensation shall be made for lost wages or income under the following circumstances:

a. *Victim injured* Lost income. Compensation may be paid when the victim ~~cannot~~ misses work due to physical or emotional injury from crime.

b. *Lost hire income.* Compensation may be paid when the victim has been hired by an employer but is unable to begin employment because of injury due to the crime, until released to work. Required documentation includes a signed affidavit by the employer.

c. *Employment ~~terminated~~ ceases.* Compensation may be paid when the ~~victim is terminated from~~ victim's employment ceases as a result of crime-related injuries, until released to seek work.

d. *Unemployment eligible.* Compensation may be paid for the difference between the victim's ~~gross wage~~ lost wages or income and the unemployment benefit when the victim is terminated from employment because of injury from crime and is found to be eligible for unemployment benefits.

e. *Unemployment ineligibility.* Compensation may be paid for the amount of the victim's unemployment benefit when the victim is rendered ineligible for unemployment benefits because of injury from the crime, until the victim is released to work.

f. *~~Worker~~ Workers' compensation benefit eligible.* Compensation may be paid for the difference between the victim's gross wage and the ~~worker~~ workers' compensation benefit when the victim is unable to work because of injury from crime and is found to be eligible for worker compensation benefits.

g. *Medical and counseling appointments.* Compensation may be paid to a primary victim, the parent or guardian of a minor aged primary victim, or the caretaker of a dependent adult primary victim for wages lost due to medical care or counseling appointments for the victim.

ITEM 16. Amend renumbered subrule 9.35(9) as follows:

9.35(9) *Lost wages or income ~~during~~ for cooperation in an investigation and prosecution.* Compensation may be paid for lost wages or income incurred by an eligible primary victim, survivor of a ~~homicide~~ deceased victim as described in Iowa Code section 915.86(8), parent or guardian of a minor aged primary victim, or caretaker of a dependent primary victim while cooperating with the investigation and prosecution of the crime including, but not limited to, participation at identification sessions, arraignment, deposition, plea agreement meetings, trial, sentencing, parole and probation hearings, and sexually violent predator civil commitment proceedings.

ITEM 17. Adopt the following **new** subrule 9.35(10):

9.35(10) *Lost wages or income due to health or safety concerns related to maintaining employment.* Compensation for lost wages or income shall be paid to an eligible crime victim for up to 30 days following an event that compromises the health or safety of the victim including, but not limited to, the approved crime, stalking, or harassment. Compensation for lost wages or income beyond 30 days may be extended at the discretion of the program administrator, the director, or the board.

ITEM 18. Renumber subrules **9.35(12)** to **9.35(15)** as **9.35(11)** to **9.35(14)**.

ITEM 19. Amend renumbered subrule 9.35(11) as follows:

9.35(11) *Residential crime scene cleanup.* Compensation may be paid for the reasonable costs of an eligible victim or applicant for cleaning a residential crime scene, which includes a home, or a private vehicle if the vehicle serves as the primary residence, in which the crime was committed. Cleaning a residential crime scene means to remove, or attempt to remove, from the crime scene blood, dirt, stains, or other debris caused by the crime or the processing of the crime scene. Compensation shall be paid for the reasonable out-of-pocket cost of cleaning supplies, equipment rental, labor, and the value of property which is essential to the victim and which is held by law enforcement for evidentiary purposes. Cleaning a residential crime scene does not include replacement or repair of property damaged in the crime.

ITEM 20. Amend renumbered subrule 9.35(13) as follows:

9.35(13) *Clothing and bedding.* Compensation may be paid for clothing and bedding held as evidence by law enforcement ~~and not returned to the victim~~. Compensation shall not be made for ~~the clothing~~ of a deceased victim victim's clothing which is held as evidence.

ITEM 21. Amend renumbered subrule 9.35(14) as follows:

9.35(14) *Funeral, ~~and~~ burial, and memorial expenses.* Compensation may be paid for reasonable expenses incurred for the funeral and burial or cremation for an eligible crime victim. The following expenses may be paid up to the maximum expense established in Iowa Code section ~~915.86(4)~~ 915.86(6):

a. Funeral service. Compensation may be paid for expenses related to funeral and burial or cremation preparation and services.

b. Burial plot and vessel. Compensation may be paid for the cost of a burial plot, vault, casket, urn, or other permissible vessel.

c. Burial effects. Compensation may be paid for miscellaneous funeral and burial expenses including, but not limited to, flowers, burial clothing for the victim, transportation of the victim's body, and travel and lodging expenses for survivors of the ~~homicide~~ deceased victim as described in Iowa Code section ~~915.87(8)~~ 915.80(7) with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

d. Memorial. Reasonable memorial costs may be paid for commemorating the memory of a deceased victim, including but not limited to a structure or public or private event.

ITEM 22. Adopt the following **new** subrules 9.35(15) to 9.35(17):

9.35(15) *Dependent care.* Compensation may be paid for reasonable costs of dependent care incurred by a primary victim, the parent or caretaker of a dependent primary victim, or the survivor of a deceased victim, to attend medical or counseling appointments or criminal justice proceedings. Dependent care expenses may be paid for the parent or caretaker of a primary victim to attend the parent's or caretaker's own medical or mental health appointments.

Compensation may include, but is not limited to, expenses for care provided by a day care center, private residential childcare, relative who is not a tax dependent, before- or after- school program, custodial elder care, adult day care center, nanny, or au pair. Expenses may be paid up to the maximum benefit established in Iowa Code section 915.86(13).

9.35(16) *Residential security.* Compensation may be paid for reasonable costs incurred by a victim, the victim's parent or caretaker, or the survivor of a deceased victim to install new residential security items, or to replace inadequate or damaged residential security items, not to exceed the maximum expense established in Iowa Code section 915.86(14).

Compensation may be paid for doors, locks, windows, security cameras, security systems or devices, or other reasonable expenses that provide for the safety of the victim or the security of the residence.

9.35(17) Transportation and lodging expenses. Compensation may be paid for reasonable transportation and lodging expenses incurred by the victim, secondary victim, parent or guardian of the victim, or the survivor of a deceased victim for medical and counseling services, criminal justice proceedings, or funeral activities, not to exceed the benefit limit established in Iowa Code section 915.86(15).

a. Privately owned vehicle. Use of a privately owned vehicle shall be paid at the per-mile rate established by the department of administrative services for state employees using a private vehicle for state business.

b. Commercial vehicle transportation shall be paid at the cost incurred by, or on behalf of, an eligible applicant.

ITEM 23. Amend rule 61—9.83(915) as follows:

61—9.83(915) Computation of sexual abuse examination payments.

9.83(1) Payment for examination. The department shall make payment for sexual abuse examinations, as appropriate, for services including, but not limited to:

a. Examiner's fee ~~for collection of:~~

- (1) ~~Patient's~~ To collect the patient's medical history;
- (2) ~~Physical~~ To conduct a physical examination;
- (3) ~~Collection of~~ To collect laboratory specimens;
- (4) ~~Return visits to~~ To test for sexually transmitted disease; diseases.

~~(5) b.~~ Treatment for the prevention of sexually transmitted disease.

~~b. c.~~ Examination facility, including:

- (1) Emergency room, clinic room or office room fee;
- (2) Pelvic tray and medically required supplies;
- (3) Additional facility or equipment fees which the department determines to be reasonable.

~~e. d.~~ Laboratory collection and processing of specimens for: criminal evidence; sexually transmitted disease; and pregnancy testing.

9.83(2) Provider payment. The department will pay up to \$300 for the examination facility and up to \$200 for examiner fees. Any charges in excess of these amounts will require additional documentation from the provider. The department shall set reasonable payment limits for treatment, including prescription drugs, for the prevention of sexually transmitted diseases and for laboratory collection and processing of specimens. The crime victim assistance program will pay only those charges determined by the department to be reasonable and fair.

9.83(3) Examination kits available at no cost. The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to health care providers at no cost.

ITEM 24. Amend rule 61—9.84(915) as follows:

61—9.84(915) Victim responsibility for payment. A victim of sexual abuse is not responsible for the payment of the costs of a sexual abuse examination determined to be eligible for payment by the department. A medical provider must not submit any costs associated with a sexual abuse examination to a victim's insurance or to the sexual abuse victim. A medical provider ~~shall~~ must not submit any remaining balance to the sexual abuse victim after the sexual abuse examination program has determined payment to the sexual abuse victim.