

**61—9.35(915) Computation of benefit categories.** The section 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 915.86.

**9.35(1) Medical care.** Compensation may be paid for the reasonable expenses of medical care provided to eligible crime victims by, or under the supervision of, a person licensed by the state under Iowa Code chapter 147, 148, 148A, 148E, 149, 151, 152C, or 153. When preexisting medical conditions are treated during crime-related medical care, the program may reduce payment to a percentage equal to the portion of the medical care determined to be directly related to the compensable crime. Medical care expenses include the following:

*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.

*b. Medical counseling costs.* Compensation may be paid for counseling provided under the direct supervision of a psychiatrist or other physician and shall be applied toward the medical benefit maximum.

*c. Medical care for homicide victim survivors.* Compensation may be paid to a spouse, child, parent, sibling, or person related by blood or affinity to a homicide victim for the same types of medical care that are allowable for primary victims, including but not limited to hospital and physician care, psychiatric care, prescriptions, and transportation expenses related to injury from the crime.

*d. Medical equipment and property alteration.* Compensation may be paid for equipment and property alteration that are prescribed as medically necessary care due to injury from the crime.

*e. Medical supplies.* Compensation may be paid for medical care supplies and incidental supplies necessary for medical care due to injury from the crime.

*f. Medical care for pregnancy.* Compensation may be paid for medical care costs related to pregnancy resulting from the crime of sexual abuse. Eligible expenses for the care of the victim shall be paid. Expenses incurred for the care of a newborn child are not compensable.

*g. Medical devices.* Compensation may be paid for the replacement of a medical device including but not limited to a sight or hearing device, dentures, a prosthetic device, a wheelchair, and medication that was taken, lost or destroyed during the crime.

*h. Transportation for medical emergency.* Compensation may be paid for the reasonable cost of transportation in a medical emergency by private vehicle at the 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 limit 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 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.

*j. Transportation medical benefit.* Compensation may be paid for transportation from the applicable medical care or counseling benefit category. The available funds to the victim from the applicable benefit category will be reduced by the amount of compensation paid for transportation.

*k. Health insurance.* Compensation may be paid for premiums to continue a health insurance policy that was provided in whole or in part by the victim's employer prior to the crime and the employment ceased as a result of the crime.

**9.35(2) Medical care records.** When compensation for medical care is requested, the provider shall submit medical records that document the care provided and show that the medical care is for injury from crime.

**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 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 department of inspections, appeals, and licensing. Compensation shall be paid for mental health counseling provided by the following:

*a. Master's level counselor.* Compensation may be paid for mental health counseling provided by a person holding at least a master's degree in a mental health or counseling field including but not limited to social work, psychology, guidance and counseling, behavioral sciences, art therapy, marriage and family therapy, child life therapy, and advanced mental health registered nursing.

*b. Supervised mental health counselor.* Compensation may be paid for mental health counseling provided by a counselor who does not have a master's degree but is under the supervision of a counselor with a master's degree. The supervising mental health counselor must sign the session notes that must be submitted for review by the program.

*c. Intern mental health counselors.* Compensation may be paid for mental health counseling provided by an intern candidate for a master's degree when the counseling is provided within a course of professional education and the intern is supervised by a provider eligible for compensation.

*d. Out-of-state providers.* Compensation may be paid to mental health counselors outside Iowa who provide services to victims of crime eligible for the Iowa program if the mental health counselor meets the professional licensure criteria of the state in which the counselor works.

**9.35(4) *Mental health counseling records.*** When compensation for mental health counseling is requested, the provider shall complete verification forms related to the counseling as follows:

*a. Treatment plan and certification form.* Information submitted on the treatment plan and certification form shall include but not be limited to a summary of the initial evaluation, any preexisting mental health diagnoses currently being treated, current diagnoses, issues addressed, counseling goals, expected length of counseling services, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

*b. Treatment progress and certification form.* At six-month intervals for the duration of the crime-related mental health counseling, the provider shall submit a treatment progress and certification form. Information on the form shall include progress on previously stated goals of counseling, current goals, current diagnosis, expected length of additional counseling, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

*c. Session notes.* The program may require submission of session notes to determine if the mental health counseling is directly related to the crime when:

- (1) The counseling expenses for a victim exceed \$3,000.
- (2) The provider has not completed the treatment and certification plan with statement of the percentage of treatment directly related to the crime.
- (3) The counseling begins, or is provided, more than one year after the crime.
- (4) The treatment plan or progress summary indicates that the victim is receiving treatment for a diagnosis or issue not exacerbated by the crime.

**9.35(5) *Counseling with the perpetrator.*** Compensation for mental health 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, at the request of the victim, the victim is allowed to confront the perpetrator regarding the effects of the crime; or where treatment is court-ordered.

**9.35(6) *Family counseling.*** Compensation for family mental health or victim service counseling may be paid only for sessions where the victim is present and the focus of the session is to assist the victim in recovery from a compensable crime.

**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, 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:

*a. Gross wage computed.* Lost wages are computed as 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).

*b. 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.

*c. 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. 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.

*e. 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.

**9.35(8)** *Lost wages or income 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 to an eligible crime victim 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 deceased victim without a disability statement. A victim seeking lost wages for a 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 medical provider for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in 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. Lost income.* Compensation may be paid when the victim cannot work due to 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 ceases.* Compensation may be paid when the victim is terminated from employment 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 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. Workers’ compensation benefit eligible.* Compensation may be paid for the difference between the victim’s gross wage and the workers’ compensation benefit when the victim is unable to work because of injury from the crime and is found to be eligible for workers’ 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.

**9.35(9)** *Lost wages or income 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 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.

**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.

**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 and labor and the value of property that is essential to the victim and that 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.

**9.35(12)** *Loss of support.* Compensation for loss of support may be paid for the dependents of an eligible homicide victim or of a victim disabled for a period of 60 days or more when the applicant documents that the dependent relied on the victim wholly or partially for physical care or financial support.

*a. Period of dependency.* Compensation may be paid for loss of support for the remaining period of dependency, up to the limits established in Iowa Code section 915.86(7), in an amount equal to the lost wages or income the victim was earning at the time of death or disability. The amount of compensation shall be subject to reduction by the amount of collateral sources designated as support pursuant to Iowa Code section 915.87(1).

*b. Dependent care.* Compensation may be paid for loss of support at the current hourly rate of the Iowa minimum wage for dependent care provided by a person other than the victim if the victim was providing physical care to the dependent at the time of the crime.

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

**9.35(14)** *Funeral, burial, and memorial expenses.* Compensation may be paid for reasonable expenses incurred for the funeral and burial or cremation for an eligible victim who has died as the result of a crime committed against the victim. An estate may be reimbursed for this benefit if the application is filed by the victim's surviving spouse, children, parents, or siblings or by a person cohabiting with or related by blood or affinity to the victim. This benefit cannot be used if there are no surviving eligible applicants. Life insurance will only be considered a collateral source if there is a specific funeral expense clause in the life insurance policy. The following expenses may be paid up to the maximum expense established in Iowa Code section 915.86:

*a. Funeral service.* Compensation may be paid for expenses related to funeral and burial or cremation preparation and services. Funeral services may also include a memorial service or items commemorating the deceased victim.

*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 deceased victim as described in Iowa Code section 915.86 with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

**9.35(15)** *Dependent care.*

*a.* 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.

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

**9.35(16)** *Residential security.*

*a.* 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).

*b.* 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 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.* 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.

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