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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair  
2021 - 2022 Regular

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**Bill No:** SB 877                      **Hearing Date:** March 15, 2022  
**Author:** Eggman  
**Version:** January 25, 2022  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SC

**Subject:** *California Victim Compensation Board: mental health services: reimbursement*

## HISTORY

Source: Author

Prior Legislation: SB 375 (Durazo), Ch. 375, Stats. 2019  
AB 629 (Smith), Ch. 575, Stats. 2019  
AB 415 (Maienschein), Ch. 572, Stats. 2019  
SB 1232 (Bradford), Ch. 983, Stats. 2018  
AB 2226 (Patterson), Ch. 142, Stats. 2018  
AB 1140 (Bonta), Ch. 569, Stats. 2015  
AB 2809 (Leno), Ch. 587, Stats. 2008  
AB 2869 (Leno), Ch. 582, Stats. 2006

Support: Prosecutors Alliance of California

Opposition: None known

## PURPOSE

*The purpose of this bill is to authorize the California Victim Compensation Board to reimburse for psychiatric or mental health counseling provided by a person who is licensed in the state in which the victim lives or who is supervised by a person who is licensed in the state in which the victim lives.*

*Existing law* states that the Legislature finds and declares that it is in the public interest to assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts. (Gov. Code, § 13950, subd. (a).)

*Existing law* establishes the California Victims Compensation Claims Board (“board”) to operate the California Victim Compensation Program (CaVCP). (Gov. Code, §§ 13950 *et. seq.*)  
*Existing law* provides that an application for compensation shall be filed with the board in the manner determined by the board. (Gov. Code, § 13952, subd. (a).)

*Existing law* authorizes the board to require submission of additional information supporting the application that is reasonably necessary to verify the application and determine eligibility for compensation. (Gov. Code, § 13952, subd. (c)(1).)

*Existing law* requires the board to verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. (Gov. Code, § 13954, subd. (a).)

*Existing law* requires an application be filed in accordance with the following timelines:

- Within seven years of the date of the crime;
- Seven years after the victim attains 21 years of age; or,
- Seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. (Gov. Code, § 13953, subd. (a).)

*Existing law* defines “victim” to mean an individual who sustains injury or death as a direct result of a crime as specified. (Gov. Code, § 13951, subd. (e).)

*Existing law* defines “derivative victim” to mean an individual who sustains pecuniary loss as a result of injury or death to a victim. (Gov. Code, § 13951, subd. (e).)

*Existing law* defines “crime” for purposes of victim compensation to mean “a crime or public offense, wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult. (Gov. Code, § 13951, subd. (b)(1).)

*Existing law* authorizes the board to reimburse for pecuniary loss for the following types of losses:

- Medical or medical-related expenses incurred by the victim for services provided by a licensed medical provider;
- Out-patient psychiatric, psychological or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center;
- Compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim’s injury or the victim’s death;
- Cash payment to, or on behalf of, the victim for job retraining or similar employment-oriented services;
- The expense of installing or increasing residential security;
- The expense of renovating or retrofitting a victim’s residence or a vehicle to make them accessible or operational, if it is medically necessary;
- Relocation expenses if the expenses are determined by law enforcement to be necessary for the victim's personal safety, or by a mental health treatment provider to be necessary for the emotional well-being of the victim;

- Funeral or burial expenses;
- Costs to clean the scene of the crime; and,
- Costs of veterinary services. (Gov. Code, § 13957, subd. (a).)

*Existing law* limits the total award to or on behalf of each victim to \$35,000, except that this amount may be increased up to \$70,000 if federal funds for that increase are available. (Gov. Code, § 13957, subd. (b).)

*Existing law* authorizes reimbursement for psychiatric, psychological or other mental health counseling-related services if those services are provided by a person who is licensed in California to provide those services, or who is properly supervised by a person who is licensed in California. (Gov. Code, § 13957, subd. (a)(2)(D)(ii).

*This bill* removes the requirement that the person providing psychiatric, psychological or other mental health counseling-related services is licensed in California or properly supervised by a person who is licensed in California and instead provides that the person must be licensed or supervised by a person who is licensed in the state where the victim lives.

## COMMENTS

### 1. Need for This Bill

According to the author of this bill:

In 2021, the CA Victims Compensation Board altered their implementation of Government Code section 13957 (a)(2)(D). This code allows reimbursement of mental health counseling to victims of crime. Current language specifies that mental health services must be provided by a clinician licensed in California. Commencing on April 29, 2021, victims who had relocated out of state for their safety, or returned to their out-of-state home after being a victim of crime in California, could no longer be reimbursed for mental health services where they resided. After 58 Victim Service Programs in California advocated on behalf of their clients, VCB suggested a legislative change to ensure a solution. This bill would change Government Code Section 13957 (a) (2) (D) to ensure victims of violent crime are able to receive mental health services. Currently the Board of Behavioral Sciences, the governing Board for licensed clinicians in California, does not allow CA licensed clinicians to provide mental health services in any other state unless they are dually licensed in that state. In the two years prior to the policy change, an average of 168 claimants received a total of \$201,000 per year in reimbursement for out-of-state mental health services. CalVCB's policy was to require the provider to be licensed in the state where services were provided.

### 2. Purpose and History of CalVCP

The California Victim Compensation Program (CalVCP) was created in 1965, the first such program in the country. CalVCP is administered by the California Victim Compensation Board

which provides reimbursement for crime-related expense to victims of violent crime. Reimbursable expenses include funeral expenses, loss of income, crime scene clean-up, relocation, medical and dental fees and counseling treatment. Funding for the board comes from restitution fines and penalty assessments paid by criminal offenders, as well as federal matching funds. (California Victim Compensation Board's website <<http://www.victims.ca.gov/board/>> [as of Mar. 4, 2022].)

CalVCP is considered the payer of last resort and can only pay compensation after all other available sources of payment have been applied to a bill. Those sources include, but are not limited to, health insurance, workers compensation insurance, automobile insurance, employer benefits and civil suits. (See California Victim Compensation Board's website, For Victims page, <<https://victims.ca.gov/for-victims>> [as of Mar. 4, 2022].)

### 3. Current Eligibility Requirements for Compensation

The CalVCP reimburses eligible victims for specified crime-related expenses as described in the above note. Eligible persons are victims and derivative victims where the crime either occurred in California or the victim is a resident of California or a member or a family member living with a member of the military stationed in California. Eligible persons may be the direct victim of the crime or a derivative victim that based on the relationship to the direct victim sustained either physical injury or emotional injury for specified violent crimes.

Once an application is filed, the board is required to verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. (Gov. Code, § 13954, subd. (a).) Any verification information requested by the board must be returned within 10 days of the request. (*Ibid.*) The applicant is also required to cooperate with the staff of the board or the victim center in the verification of the information contained in the application. Failure to cooperate may constitute grounds to reject the application. (Gov. Code, § 13954, subd. (b)(1).)

Reimbursement is limited to the actual amount paid out-of-pocket or bills accrued by the victim. The maximum amount the board is authorized to reimburse a victim or derivative victim is \$35,000, except this amount may be increased to \$70,000 if federal funds are available. (Gov. Code, § 13957, subd. (b).) Additionally, there are specified limits for certain services. (*Ibid.*) For mental health services, generally the board may reimburse a victim or derivative victim in an amount not to exceed \$10,000, however, the board may exceed this amount if the claim is based on dire or exceptional circumstances that require more extensive treatment, as approved by the board. (Gov. Code, § 13957, subd. (a)(2).)

Existing law authorizes reimbursement for mental health counseling-related services when those services are provided by a person who is licensed in California to provide those services, or who is properly supervised by a person who is licensed in California. (Gov. Code, § 13957, subd. (a)(2)(D)(ii).) This bill expands compensation eligibility for victims who seek mental health counseling from a person who is licensed in the state in which the victim lives or who is properly supervised by a person who is licensed in the state where the victim lives. Victims who move out of state, oftentimes to remove themselves from trauma, or victims who live out of state but were victimized in California, may find it difficult to find a mental health counseling provider who is licensed in California.

According to information provided by CalVCP through the author of this bill, since April 29, 2021, 14 claimants have had mental health bills denied because the provider was not licensed in California. 149 claimants have received payments for relocation and moved from California to a different state. It is unclear how many of the 149 claimants who moved out of state requested reimbursement mental health counseling.

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