

**Center for Crime Victim Services  
Board Meeting Minutes  
January 14, 2019**

**Board Members Present:** Bob Paolini, Margaret Joyal, Susan Ide, Richard Katzman.

**Absent:** Jerry O'Neill.

**Staff Members Present:** Chris Fenno, Elaine Boyce, Mary Kay Hewlett, Carol Morgan, Christine Morrison, Jodie Bacon, Abby Gladstone-Strobel, Carol Brochu, Michelle Pelletier, Melinda Meyer, Rachel Atkins.

The meeting was called to order at 1:35 PM.

### **REVIEW MINUTES OF LAST MEETING**

The Board reviewed the meeting minutes of December 10, 2018 and approved them as presented.

### **COMPENSATION CLAIMS REPORT**

Christine Morrison presented the Compensation report for December 2018. As usual, Chittenden County produced the majority of claims (22 out of the total 39 claims). Compared to the previous December, there was an increase in both regular and sexual assault (SA) claims. The number of regular claims was 18.18% higher, while the number of sexual assault claims was 127.27% higher than in December 2017. Year-to-date, regular claims were up 0.38% and SA claims were up 18.29%.

As usual, the type of crime that cost the most in December was Domestic Assault. The greatest expense for services in December was Counseling, although compared to the prior fiscal year, counseling expenses continued to be lower than in the previous year. Christine noted this may be because Medicaid now pays a bit more for counseling than the Compensation Program does. Year-to-date, expenses for Aggravated Assault were about \$10K higher than for the same period the previous year. Christine explained that the expense category "Safety/Security" covers payments for security systems for victims' homes. The Compensation Report was accepted as presented.

### **REVIEW OF SPECIFIC COMPENSATION CLAIMS**

**Claim 65805** – This claim was brought to the Board for consideration of payment of a survivor's counseling using "Telehealth" service. The mental health provider is located out-of-state. The suspect was charged with Vehicle Operation – Gross Negligence/Fatal. The surviving family member was seeking compensation for funeral, lost wages, and counseling.

The current Compensation Program policy does not reimburse for Telehealth. Margaret Joyal noted that Telehealth is new to Vermont and the state is just beginning to develop a protocol for this service. She added that Medicare does not pay for Telehealth.

Richard Katzman motioned to pay for the use of Telehealth in this particular case, and to consider revising the Compensation Program's policy in future, after the Center studies the issue. The Board agreed, and voted all-in-favor to approve payment of this victim's counseling via Telehealth for up to six months from today's date. Chris Fenno will research Telehealth for future Board review, and will contact BlueCrossBlueShield of Vermont for information, since BCBS-VT is developing a rule for use of Telehealth in Vermont.

**Claim 65257** – Compensation staff gave a brief update on this claim, which had been reviewed at the December 10, 2018 meeting and approved at that time for payment of additional travel expenses of up to \$2,048.52 above the program’s cap. Staff advised that the additional travel expenses had now been paid and totaled less than the amount approved by the Board.

**Claim 66035** – The Board resumed discussion of this claim, which had been tabled at the Dec. 10, 2018 meeting, pending further information. The Board was asked to determine the eligibility of payment for pecuniary losses the victim sustained as a result of a crime which occurred before July 1, 1987, but which is being currently investigated at the time of application. The applicant was seeking compensation for counseling, lost wages, and medical expenses. Jodie Bacon advised that the victim had received a \$5K settlement in 1993 or 1994 but does not have much documentation and many of her providers from that time are no longer in business. Documentation to support any expenses is required for compensation, but this victim doesn’t have much documentation. The victim has submitted medical bills for compensation and is requesting counseling, which would be difficult for her to afford without assistance. Per statute, because the case is currently being investigated, the Compensation Program is allowed to consider the claim. Staff advised that law enforcement has signed-off that there is probable cause in this case.

Carol Morgan asked for Board guidance on the following regarding this case:

1. What is the date upon which the Compensation Program may begin to reimburse this victim for losses, pursuant to 5353(i)?

ANSWER: The Board voted all-in-favor that the Compensation Program can consider payment of crime-related losses from the date the program received the application, forward.

2. Would the Board be willing to waive the subrogation requirement if this victim received a past settlement?

ANSWER: The Board voted all-in-favor to waive settlements received only in cases where the settlement was \$5,000.00 or less. If a settlement received was more than \$5,000.00 the Compensation Program will proceed per their regular subrogation process.

3. Would the Board consider paying for travel expenses to a restorative justice event on the victim’s compensation claim?

ANSWER: During discussion, Chris Fenno advised that it would not be necessary to pay for such travel through a victim’s compensation claim because grant money will be available for this purpose. Chris Fenno is working with victim service representatives and the Burlington Restorative Justice Center to plan for a restorative justice process/event to provide greater closure for victims of St. Joseph Orphanage using grant funds. If grant money is not available, the Board will review on a case-by-case basis.

## **COMPENSATION MOTION FOR APPROVAL re: JANUARY 8, 2018 MEETING MINUTES**

The following motion from the December 10, 2018 meeting was presented in writing for Board approval.

Motion for Board Approval: That the Board amend the minutes of January 8, 2018 to clarify that the Board interprets 13 VSA 5355(a) (“Approval or rejection of application”) as excluding claims arising from cases charged solely as selling or dispensing a regulated drug with death resulting, pursuant to 18 VSA 4250, on the grounds that death was not a direct result of the crime, the decedent’s use of the regulated drug being the direct cause of death.

The Board voted all-in-favor to accept the written language of the motion. The Board also agreed that if any affidavit indicates that a drug dealer injected a victim, such case(s) will be brought to the Board for review on a case-by-case basis.

## **COMPENSATION DISCUSSION on VICTIMS of the ST. JOSEPH ORPHANAGE**

The Board first discussed this issue at the December 2018 meeting, at which time further discussion/decision was tabled. Compensation staff had asked the Board for general guidance on claims received from victims of the St. Joseph Orphanage, related to crimes which occurred before July 1, 1987 and that were currently being investigated.

As discussed regarding claim 66035, the Board voted all-in-favor of the following:

1. When a victim has been found eligible pursuant to 5353(i), the Compensation Program can consider payment of crime-related losses from the date the program receives the application, forward.
2. The Compensation Program will waive settlements received **only** in cases where the settlement was \$5,000.00 **or less**. If a settlement received was **more** than \$5,000.00 the Compensation Program will proceed per the Program's regular subrogation process.
3. Chris Fenno is working with victim service representatives and the Burlington Restorative Justice Center to plan for a restorative justice process/event to provide greater closure for victims of St. Joseph Orphanage using grant funds, so that payment for travel to such an event should not need to go through a victim's compensation claim. If grant money is not available, the Board will review such requests on a case-by-case basis.

## **RESTITUTION UNIT REPORT**

Michelle Pelletier reported on the Restitution Unit for December 2018. Collections for December came in below that month's goal, but that is typical for December. However, Michelle advised that \$10,000 was collected between Christmas and New Year's Day, which was amazing. In December, Rutland County generated almost as many Restitution Judgement Orders as Chittenden County, which was also unusual. The Restitution Unit Report was accepted as presented.

## **FINANCIAL REPORT**

Carol Brochu presented the Financial Report through December 2018. She was happy to report that CCVS had passed an internal state audit recently with a grade of 100%. Going through the audit process helped Carol develop a financial manual of CCVS processes. She reported that receipts into the Center's three special funds were down a bit in December, but that had been expected and is balanced by the increase the special funds experienced in the previous fiscal year. Reviewing her "checkbook" report on Fund Balances, she noted that Actual Cash Balances were healthy and better than in past years.

Carol advised that so far the federal shut-down had not impacted CCVS but if it continued, it could cause problems. The federal agency that reimburses CCVS would be open until Jan. 18<sup>th</sup> so CCVS had until then to issue sub-grant payments, and all subgrantees had been notified that if they missed their deadline, they would not be paid until the next quarter. The Financial Report was accepted as presented.

## **CENTER UPDATE**

Chris Fenno advised on the situation with the HopeWorks organization, which failed to submit a sustainable plan for services after experiencing a mass staff walk-out in mid-December. Hopeworks has been given 30 days' notice of termination of grant funds by CCVS. Chris advised that she and Gene Nelson were looking at doing an abbreviated Request for Proposals to identify another entity for grant funding in place of Hopeworks.

Susan Ide provided feedback from her experience on the Chittenden County Domestic Violence & Sexual Violence Task Force, which had recently met with Hopeworks' new staff and director. Bob Paolini asked that Chris Fenno keep the C CVS Board advised on the situation.

**MEETING ADJOURNED:** 3:15 PM

**Next VCCVS Board Meeting Date:**

**Monday,  
February 11, 2019  
1:30 – 3:30 PM**

**Meeting room in the  
Compensation Program offices  
58 South Main St.  
Waterbury, VT**