

Nevada State Plan for Services for Victims of Crime

Department of Health and Human Services
Division of Child and Family Services

Victims of Crime Program

voc.nv.gov

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Chapter 100 Administration

100.1 Nevada Victims of Crime Program

The Nevada Legislature established the Victims of Crime Program (VOCP) in 1969 pursuant to *Nevada Revised Statutes* (NRS) 217.010 through NRS 217.270, inclusive, to provide compensation to victims of violent crime in Nevada. The VOCP operates under the Division of Child and Family Services within the Department of Health and Human Services (Department).

100.2 Scope of Nevada Victims of Crime Program

The Nevada VOCP provides financial assistance to victims who suffer injuries from violent crime. The VOCP does not provide financial assistance for crimes involving property damage or for property loss or damage except as expressly provided for by these policies.

100.3 Procedures to Be Adopted by Department

NRS 217.130 empowers the Director of the Department to adopt rules and regulations prescribing the procedures to be followed in the filing of applications and proceedings under the VOCP. NRS 217.150 requires the Director of the Department to formulate standards for the uniform payment of compensation to victims of crime.

100.4 Approval is Final Standard

When approved by the Director these policies are the rules and procedures of the Nevada VOCP and constitute the standards for the determination of the payments of claims to or on behalf of victims of crime.

100.5 Goal of State Plan

The VOCP goal is to assist eligible victims of crime and their families cope, and recover from the physical, emotional and financial impact of violent crime. These policies recognize the VOCP does this best by paying for medical and dental care, counseling, lost income, and other approved benefits as quickly as possible: when a victim needs financial support and reassurance the most. These policies encourage a responsible sense of urgency in making decisions and providing benefits to qualified victims, and

they encourage cooperation and coordination with Victim Advocates and others working to assist victims of crime throughout Nevada.

100.6 VOCP Coordinator

The VOCP Coordinator provides oversight and guidance to the Program Manager and is responsible for monitoring his or her adherence to these policies. The Program Manager and VOCP Coordinator provide oversight and guidance to the Compensation Officers and are responsible for monitoring adherence to these policies.

100.7 Compensation Officers

NRS 217.090 states that the Director of the Department shall appoint the VOCP Compensation Officers and outlines the positions' duties and training requirements.

100.8 Effective Date of Changes

- A. The benefit levels set forth in these policies for wage loss reimbursement, funeral expenses, mental health counseling, and all other benefits, are subject to change at any time by the Director of the Department.
 - B. Unless otherwise required by law, a substantive change to eligibility requirements will be effective for applications approved on or after the effective date of the change.
 - C. Except as otherwise provided by the Director of the Department or these policies, any increase or decrease in claim limits will be applied to all claims effective at the time the change is adopted.
 - D. An effective date or date of limitation included in the express provisions of a section will apply if there is any conflict with this section.
 - E. Individual exceptions to claim or benefit levels may be approved by the VOCP Coordinator, if necessary, to avoid undue hardship to a victim or when the application of a change would violate a commitment of the VOCP to the victim, a service provider, or other person. Exceptions granted by the VOCP Coordinator shall be documented in the claim.
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- F. Authorizations for benefits or other payments given by the VOCP staff may be withdrawn if given by mistake; if based on misinformation provided by any person; or if given in violation of these policies.

100.9 Anti-Discrimination Policy

The VOCP will not discriminate on the basis of race, color, religion (creed), sex, gender identity, age, national origin (ancestry), disability, marital status, sexual orientation, military status, native language, or any other protected class in any of its activities or operations. These activities include, but are not limited to, determining an individual's eligibility for VOCP benefits, hiring and firing of staff, selection of volunteers, selection or treatment of vendors, and provision of services to, and dealings with, the public.

100.10 Americans with Disabilities Statement

- A. VOCP will take all reasonable measures to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently due to the absence of auxiliary aids and services identified in the Americans with Disabilities Act.
- B. If special needs accommodations are necessary in order for any individual to obtain services from the VOCP, advance notice should be provided to the VOCP staff.

100.11 Language Interpreters and Hearing and Visual Interpreters

The VOCP recognizes that communication in the face of language barriers can be difficult and frustrating. The VOCP will provide access to a language interpretation service upon request to persons who are in need of hearing, visual, or language interpretation services. The VOCP will make reasonable efforts to ensure its application and other critical documents or forms are available in Spanish translation.

100.12 VOCP is the Payer of Last Resort

- A. The VOCP is the "payer of last resort." This means that all existing resources a victim has must be utilized before the VOCP can pay any expenses. Existing resources include, but are not limited to, insurance, workers' compensation, or civil suit settlements.
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- B. These policies adopt, by reference, federal guidelines that require federal assistance programs such as Medicaid, Veterans Administration, Indian Health Services, or Social Security Administration, pay before VOCP pays. If VOCP pays and such benefits become available, the VOCP is entitled to be reimbursed pursuant to its subrogation lien or other provisions of law or these policies.
- C. Since the VOCP may pay approved victim claims immediately after an application is approved, resources may become available that were not available when benefits were paid to, or on behalf of the victim. In cases where a third party is determined responsible for paying for applicants' injuries, after the VOCP has paid applicant claims, then the VOCP is entitled to reimbursement pursuant to its subrogation lien. If the applicant recovers from civil suit settlements, lump sum retroactive payments from Social Security, or other recoveries, the VOCP must be reimbursed.
- D. The VOCP may reimburse another agency, program, or other service provider for expenses paid by their organization on behalf of an approved victim, provided the organization requests and obtains written preauthorization from the VOCP Coordinator.

100.13 VOCP is Not an Entitlement Program

- A. VOCP benefits available under these policies are paid to or on behalf of approved applicants, subject to restrictions that may be imposed as the Director of the Department may determine, or as available funding may require. No legal rights to payment are conferred on an applicant when their application is approved by the VOCP other than those provided by NRS 217 or these policies.
 - B. An applicant who incurs medical or other expenses related to the crime is legally responsible for those financial obligations regardless of whether those debts were incurred before or after acceptance by the VOCP. Neither the VOCP, nor the State of Nevada, is ever legally responsible for any of the bills or expenses incurred by an applicant at any time. If the application is approved by the VOCP, the applicant is still legally responsible for those financial obligations unless, and until they are paid, or the applicant is otherwise relieved of legal responsibility.
 - C. Approval of an application confers no right to any payments by the VOCP. Claim approval or the approval of any benefit may be revoked or withdrawn by the VOCP at any time, where the VOCP determines that the approval
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was made in error or for other cause consistent with these policies. Any such revocation or withdrawal may be appealed.

- D. Decisions denying benefits are appealable for the purposes of ensuring the appealable decisions of the VOCP were correctly made pursuant to the provisions of NRS 217 and these policies, not to establish a right to, or property interest in, any benefit offered by the VOCP.
- E. Previous approvals or other decisions of the VOCP do not establish precedent or require consideration in other cases or matters. Decisions of the VOCP are appealable through the administrative appeals process only when appeal rights are provided with the decision, or as otherwise required by these policies or law.

100.14 Payments to Victims Not Reportable as Taxable Income

- A. Internal Revenue Service (IRS) Revenue Ruling 74-74 states awards made by the VOCP to victims of crime or to their surviving spouses or dependents are not includable in the gross income of the recipient. Therefore, the VOCP will not issue 1099-MISC forms on direct payments made to the victim, applicant, or their dependents, such as lost wages and survivor benefits.
- B. If a victim receives reimbursement for medical expenses that they had deducted in a prior year, they should advise their tax preparer of the amount received, and report the amount received as required by Income Tax Regulations relating to reimbursements for expenses paid in prior years. No tax form will be issue by the VOCP regarding reimbursement payments made to the victim, applicant or their dependents.

100.15 Service of Documents at Last Known Address Sufficient

- A. It is the responsibility of the applicant to notify the VOCP of any change of address. Any notice or determination or other correspondence mailed to the applicant at the address on file with the VOCP is deemed received by the applicant no later than 3 days after the date mailed by the VOCP for applicants residing in Nevada and 5 days for applicants residing in other states, territories, or countries.
 - B. If service of documents or receipt by the applicant of any VOCP document is an issue on appeal the applicant will have the burden of establishing lack of notice or delivery.
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100.16 Conflicts

- A. Employees, contractors, and vendors of the VOCP will avoid all conflicts or appearances of conflicts in matters relating to VOCP business or its affairs.
- B. Employees, contractors, and vendors will not handle documents or files, make or influence decisions of family members, friends, or associates.
- C. Employees, contractors, and vendors will disclose to the VOCP coordinator any conflicts involving applicants or claims of family members, friends, or associates to the VOCP coordinator.

100.17 Confidentiality

- A. NRS 217.105 provides that all victim information maintained by the VOCP is confidential and will not be made public unless otherwise provided pursuant to NRS 217.105. The sharing of personal identifying information and information about the crime will be minimized to the greatest extent possible.
 - B. The VOCP necessarily releases or discloses certain information in the execution of its responsibilities in investigating and administering the claim. For example, the VOCP will provide certain information about the applicant to police agencies, medical providers, counselors, VOCP contractors or vendors, and Victim Advocates or attorneys, in order to request reports or other information necessary to investigate, administer, or pay claims.
 - C. The VOCP may release or disclose information to auditors or investigators or others with an official need for information related to their legal duties.
 - D. The VOCP may release or disclose information to employees of the Department of Health and Human Services, the Governor's Finance Office, the Treasurer's office, VOCP contractors, or other agencies as necessary to pay claims or otherwise administer a claim.
 - E. The VOCP may release or disclose information to the Hearing or Appeals Officers when a matter is appealed.
 - F. The VOCP may be required to provide or disclose information in response to a complaint by the applicant or in order to respond to an inquiry generated by the applicant.
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Chapter 200 Eligibility

200.1 Eligible Victim

An applicant is eligible if they meet the definition of Victim as established in NRS 217.070. In addition:

1. The crime must have resulted in personal injury as defined in NRS 217.050 or death of the victim;
2. The crime must have been reported to the police within five (5) days of its occurrence unless
 - a. The event could not have been reasonably reported within that time period, then within five (5) days of when the report reasonably could have been made; or
 - b. If the victim is a minor who is sexually abused or who is involved in the production of pornography, then before the victim reaches the age of 21.
3. Medical treatment shall be interpreted to include treatment for physical health or mental health as recommended by a health provider licensed in the state of Nevada.
4. Individuals who are serving a sentence of imprisonment in a prison or jail or while living in a facility for the commitment or detention of children who are adjudicated delinquent at the time of their injury or death are not eligible for compensation by the VOCP pursuant to NRS 217.220(1)(c) and (d).

200.2 Qualifying Crimes

- A. The applicant must be a victim of one of the following qualifying crimes in order to receive compensation:
 1. Murder: NRS 200.010
 2. Assault and Battery: NRS 200.471; NRS 200.481
 3. Robbery: NRS 200.380
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4. Driving Under the Influence: NRS 484C.110
 5. Pedestrian Hit & Run: NRS 484E.010; NRS 484.111
 6. Sexual Assault or Spousal Rape: NRS 200.366
 7. Domestic Violence: NRS 33.018
 8. Child Abuse, Neglect, or Endangerment; Sexual Assault of a Minor: NRS 200.508
 9. Elder Abuse: NRS 200.5092
 10. Pornography Involving a Minor: NRS 200.700
 11. Human Trafficking: NRS 200.468
 12. Stalking: NRS 200.575
 13. Kidnapping: NRS 200.310
 14. Terrorism: NRS 217.035; NRS 217.070; 18 U.S.C. § 2331(1)
 15. Burglary: NRS 205.060
 16. Home Invasion: NRS 205.067
 17. Arson: NRS 205.005
 18. Other crimes deemed to be violent crimes
- B. An applicant may not receive compensation as a result of the following crimes:
1. A crime, which does not result in personal injury as defined by NRS 217.05, or death to the victim.
 2. Crimes that involve only property loss or damage.
 3. A crime that occurs in the workplace and is covered by workers compensation.
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4. Traffic crimes.
5. Other ineligible crimes include fraud, theft, Identity theft, computer and web related crimes, property damage, trespass and vandalism.

200.3 Crimes with Special Considerations

A. Threat of Injury Claims

1. Certain crimes or threats resulting in emotional or mental injuries only may be eligible for mental health counseling benefits through the VOCP. NRS 217.050 defines personal injury as: “actual bodily harm or threat of bodily harm which results in a need for medical treatment.”
 2. A threat of injury includes, but is not limited to the following situations:
 - a) The victim was directly threatened with a weapon;
 - b) The victim was within sight and range or proximity of a person brandishing a weapon and reasonably felt threatened for their own safety;
 - c) The victim was directly threatened with serious bodily injury and there was a reasonable probability that
 - d) The threat would be carried out; and
 - e) Physical injury would result if the threat were carried out.
 3. Crimes that may qualify under threat of injury include:
 - a) Robbery: NRS 200.380
 - b) Kidnapping: NRS 200.320
 - c) Involuntary servitude: NRS 200.463
 - d) Trafficking in persons: NRS 200.467, NRS 200.468
 - e) Stalking: NRS 200.575
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B. Children's Claims in Domestic Violence Cases

1. A minor is presumed to have sustained an injury as a result of a domestic violence crime if the child witnessed a domestic violence crime. This presumption qualifies the victim for mental health counseling benefits as provided by these policies.
2. The children of parties involved in domestic violence and assault, that are exposed to domestic violence, are entitled to independent VOCP claims and benefits, whether their parents file claims or have claims approved or denied.
3. A minor witnessed a domestic violence crime if the minor saw or heard an act constituting a domestic violence crime.

C. Vehicle-Related Crimes

1. Most vehicle-related crimes are not covered by the VOCP. Injuries from accidents caused by speeding, reckless or careless driving, and similar crimes are outside the scope of VOCP coverage. NRS 217.220 prohibits acceptance of motor vehicle accident injuries except in limited circumstances.
2. The following vehicle crimes qualify for the VOCP:
 - a) Injury or death intentionally inflicted through the use of: a motor vehicle, aircraft, or a water vehicle. NRS 217.220(1)(a)
 - b) Pedestrian injury or death caused by Hit and Run, NRS 217.070(5). NRS 484E.010
 - c) Injuries caused by someone driving under the influence (DUI). NRS 217.070(4), NRS 484C.110

D. Driving Under the Influence (DUI) Crimes

1. The Compensation Officer, when evaluating an application for a case involving DUI, will consider any of the following as evidence in support of an application:
 - a) Blood alcohol content report;
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- b) Blood test for drugs;
- c) Breath test report;
- d) Evidence that driver failed roadside tests;
- e) Acceptance of case for prosecution for DUI; or
- f) Other credible evidence including statements from officers investigating the crime that indicate the driver was driving under the influence of alcohol.

Chapter 300 Filing a Claim

300.1 Person Eligible to File a Claim

The following persons may file a claim:

1. A victim as defined by NRS 217.070 and the incident occurred in Nevada.
2. A Nevada resident who is the victim of a crime that occurred outside of Nevada consistent with the requirements of NRS 217.102.
3. A parent or guardian if the victim is a minor.
4. A parent, guardian, or other person authorized to administer the estate of an individual who is mentally incapacitated or deceased.

300.2 Time Frame to File

The claim must be filed within 24 months after the injury or death unless:

1. The victim is a minor who is sexually abused or who is involved in the production or pornography, then before the victim reaches the age of 21; or
2. Waived by the Director of the Department for good cause shown.

300.3 Application Requirements

A. General Responsibilities of the Applicant:

1. To qualify for VOCP benefits a victim must submit a completed VOCP application to the VOCP.
 2. Applications for assistance will be deemed to be complete only if:
 - a) The applicant provides all information as directed in the application.
 - b) The applicant signs the application as provided.
 - c) The applicant submits, or the VOCP obtains, a valid police report or verification of the filing of the police report.
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3. For purposes of determining when the application is complete in the VOC-NET database, the police report will be considered “submitted” when it is scanned into the VOC-NET file and available for review as a file document.
4. In DUI cases, the application is not complete until evidence or verification of intoxication is submitted, if such information is not included in the original police or traffic report.

B. Incomplete Applications:

1. Incomplete applications may be returned to the applicant for completion or may be denied.
 2. Before an application will be considered complete, each of the following sections must be completed where applicable:
 - a) Victim information
 - b) Applicant information
 - c) Crime information
 - d) Crime expenses
 - e) Prior disability information
 - f) Prior VOCP claims paid or related to the same crime
 - g) Insurance information
 - h) Signature of applicant
 3. Information concerning persons assisting the victim complete the application, and advocate or attorney information, is only required where applicable.
 4. The demographic and statistical sections of the application are not mandated, however, the information requested will help the VOCP identify victim demographics, and provide more complete data for reports for the Department, Nevada Legislature, Nevada Attorney
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General, U.S. Department of Justice, National Association of Crime Victim Compensation Boards, law enforcement organizations, and community and local victim service organizations, who address the needs of the victims of violent crime at the local level throughout Nevada, and others. Answers to these questions will not affect the applicants' eligibility in any way. Victim advocates who assist victims complete the application, and individual applicants, are encouraged to provide the demographic and statistical information requested in the application.

300.4 Third - Party Applications

Victims, their dependents, or next-of-kin, may submit applications for VOCP assistance. A "victim" does not include an individual or company who merely provides medical or medically related services, funeral and/or burial services, estates, or corporations. All such expenses will only be paid based upon the submission of such expenses through the victim or their qualified representative.

300.5 Waiver of Late Application

- A. NRS 217.100(1) requires an application to be made within 24 months of the date of the crime. It further allows Director of the Department to waive that deadline for good cause shown.
- B. Waiver of a late-filed application allows the claim can be evaluated and processed despite the late filing. Waiver of a deadline does not mean the applicant is eligible but rather allows the Compensation Officer to consider the application on its merits rather than simply deny it for being late.
- C. The following criteria will be considered when evaluating a request for waiver of the deadline based on good cause shown:
 - 1. Whether the victim was aware of VOCP;
 - 2. Whether the victim was physically unable to apply;
 - 3. Whether the victim was mentally unable to apply; and
 - 4. Length of the delay.

300.6 Application Signature Requirements

- A. When an applicant files an application with the VOCP, they are subject to certain conditions imposed by law or by these policies. Benefits are available to qualified applicants who complete the application, provide the requested information, and acknowledge and agree to the conditions imposed by law or these policies.

- B. The applicant must authorize the release of information about the victim or applicant from medical providers, police agencies and others. This requires the applicant to sign the application containing the pertinent declarations, statements, acknowledgements and releases. If the victim is a minor or incapacitated, a parent or legal guardian must sign on their behalf. If the applicant does not sign where required, or attempts to modify the statements contained therein, the application may be denied.

- C. The VOCP has the right to accept electronic signatures on their application form.

- D. New applicants shall provide the last four digits of their social security number to aid in identification where necessary.

300.7 Acknowledgement of Subrogation, Financial Eligibility and Penalties

- A. The section titled “My Promise to Repay the VOCP” reflects the provisions of NRS 217.240, which gives the State of Nevada a subrogation lien on any recoveries by the victim as a result of the crime. This applies primarily to lawsuits but could also include restitution, insurance, social security, or other payments to victims.

My Promise to Repay the VOCP: I hereby acknowledge my legal obligation to repay the VOCP any money paid to me, or paid on my behalf, by the VOCP, if I receive any money, from any source, as a result of the crime. I hereby agree to notify the VOCP if I hire an attorney to pursue a lawsuit or if I receive any court ordered restitution or other recovery including, but not limited to, insurance payments, settlements or other benefit payments.

- B. The section titled “Certificate of Financial Eligibility” reflects the provisions of NRS 217.220 that provides for denial of an award if the Compensation Officer determines that the applicant will not suffer financial hardship. The statute allows the victim to have up to one years’ worth of salary in savings or investments and still be eligible.

Certificate of Financial Eligibility: I hereby certify that I do not have Savings or Investments exceeding the amount of my Annual Income, and that it would be a financial hardship if I were to receive no assistance from the VOCP. I hereby authorize any insurer, financial institution, government agency, or any other person with information about me to release information about me to the VOCP.

- C. The section titled “Penalties for Providing False Information” reflects the provisions of NRS 217.270, which makes it a crime to provide false information for the purposes of obtaining benefits.

Penalties for Providing False Information: I understand that I may be imprisoned or fined for providing false or misleading, or intentionally incomplete information to the VOCP. I declare under penalty of perjury and pursuant to Nevada law that all the information I have provided is true, correct and completed to the best of my information and belief.

300.8 VOCP Release of Information

The section titled “VOCP Release of Information” reflects the policy allowing the VOCP to release information as necessary to administer the claim or the VOCP. Typical examples include releasing certain information to obtain police or medical reports and providing victims’ names to vendors to verify claim acceptance or denial information.

VOCP Release of Information: I hereby authorize the VOCP to release information to police agencies, medical or other service providers, my advocate, attorney, or representative concerning my application or claim as necessary to administer the VOCP or my claim. No information will be released where prohibited by law.

300.9 Medical, Law Enforcement and Employment Releases

- A. The language of the following sections reflects the provisions of NRS 217.090 and NRS 217.100, which requires the Compensation Officers to review the victim's medical reports and police reports and, in cases of wage claims, employment information. These releases allow the Compensation Officer to obtain such reports.

- B. The section titled "Medical Information Release" is used by the VOCP to comply with requirements of the Health Insurance Portability and Accountability Act of 1996 and allows the VOCP to obtain medical information about the victim.

Medical Information: I hereby authorize any hospital, medical clinic, physician, dentist, mental health provider, pharmacist, or any other medical provider to release any and all information including medical reports, histories, prognosis, treatment plans, billing information and any other information relating to my medical treatment for my crime related injuries or condition, to the VOCP as required by NRS 217.100. This information may be subject to re-disclosure and no longer protected by privacy rules. I have the right to revoke this authorization in writing at any time. This Medical Authorization shall automatically expire without express revocation one year from the date below. In order to continue to receive benefits past one year, an updated medical information release will be required. This release is in compliance with all HIPAA regulations.

- C. The section titled "Law Enforcement Reports" allows the VOCP to obtain investigative reports regarding the crime.

Law Enforcement Reports: I hereby authorize any police, law enforcement agency, child protective agency, or Coroner's office to release any police, investigative, incident report, or coroner's report related to my application to the VOCP as required by: NRS 217.110(2)(d), NRS 217.180, NRS 217.100(1) and NRS 217.220(1) and (2). I understand that all such reports will remain confidential as provided by State and Federal law and NRS 217.105.

- D. Requests for Lost Wages benefits or Survivors benefits will also require the following employment release and acknowledgement, which must be signed by the victim or authorized applicant.
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Employment Information: I hereby authorize my current or former employer to release any and all information concerning my employment status, including my wages, benefits, insurance, lost time or other information to the VOCP.

300.10 Adult Applicants and Adult Survivors of Child Abuse

Adult victims and applicants must sign the application. Adults who cannot sign because of physical or mental limitations may have a dependent or representative sign an application on the victim's behalf. Documentation, evidencing the applicant's legal authority to act on behalf of the victim, may be required by the Compensation Officer.

300.11 Minor Applicants

- A. A minor who is a victim of crime may qualify for assistance from the VOCP. NRS 217.100(5) provides that minors who are the victims of sexual abuse or who are involved in the production of pornography can file an application with the VOCP before reaching 21 years of age.

 - B. Minor victims cannot file an application without parental or responsible adult authorization. An adult must sign on behalf of the minor victim. The following adults may file an application and sign on behalf of a minor:
 - 1. Parent

 - 2. Legal Guardian

 - 3. Victim Advocate

 - 4. Social Worker or Probation Officer

 - 5. Relative Caregiver

 - 6. Other Court-Approved Designees
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300.12 Police Reports

A. Police Reports Required

1. An application for VOCP benefits cannot be approved unless a police report was filed. NRS 217.090 requires the Compensation Officer to verify certain facts contained in the reports of law enforcement agencies who investigated the crime.
 2. Police reports must be provided to VOCP pursuant to NRS 217.110(3).
 3. In order to expedite the processing of the application, applicants are encouraged to obtain and submit, along with the application, a copy of the crime report prepared by the law enforcement agency where the crime was reported. In cases where the applicant or their representative is unable to obtain a crime report, the VOCP will attempt to obtain the crime report by sending a written request for the report to the agency identified in the application.
 4. The police report must be legible and sufficiently free of redactions, whiteouts, and other markings to be read and understood by the Compensation Officer. The report must contain sufficient information to establish eligibility of the applicant under these policies. Reports that do not meet these criteria may be rejected and applications supported by such reports may be denied.
 5. The Compensation Officer may request a subpoena for a police report to be issued by the hearing or appeals officer, at the discretion of the Compensation Officer, whether or not an appeal or hearing request has been filed. The hearing or appeals officer will issue the subpoena where the Compensation Officer establishes the following:
 - a. a written request for the police report was denied;
 - b. the request was not responded to, as verified by the Compensation Officer; or
 - c. the report provided is unreadable or difficult to decipher due to whiteouts, redactions or other alterations.
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B. Police Report Verification Form

1. If a law enforcement agency is unable to release a full investigative report for any reason, it may submit a "Police Report Verification" form as provided by the VOCP in lieu of submitting an official police report. The submission of a Police Report Verification Form does not excuse the law enforcement agency from complying with NRS 217.110 by providing an official police report if the Compensation Officer or a Hearings or Appeals Officer otherwise requires an official police report.
2. The Police Report Verification Form approved by the VOCP provides the facts of the crime including:
 - a. the date of the crime and the date the crime was reported;
 - b. if the victim participated in the commission of the crime;
 - c. if the victim was involved in the events leading to the crime; and
 - d. if the victim cooperated with law enforcement.
3. In cases involving DUIs, any other information that may be necessary such as drug or alcohol test results, police officer observations or field sobriety reports, may be provided in the Police Report Verification Form. These facts may also be verified by letter, email, or otherwise.

C. When Police Reports are Unavailable or Not Required

1. If a crime report is not required to be made to law enforcement, by other state or federal laws or regulations, or when a sexual assault victim submits to a forensic examination but does not file a law enforcement report, the Compensation Officer may approve the claim without a crime report as long as there is sufficient documentation that a crime was committed against the applicant.
 2. Where the VOCP has made a written request to the law enforcement agency identified in the application, and the law enforcement agency is unable or unwilling to provide a copy of the official police report, the hearing officer may not remand the matter to the VOCP. The hearing officer may subpoena police reports or personnel if it will assist the hearing officer determine whether the applicant is qualified for VOCP assistance under these policies.
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3. If the applicant appeals the denial of an application for reasons related to the adequacy or existence of a law enforcement report, they will have the burden of establishing, by official documentation, that a police report was filed and the requirements of NRS 217.100 have been met.

D. Statements of Law Enforcement in Police Reports

1. Law enforcement reports will be accepted as evidence by the hearing or appeals officer and will not be subject to disqualification based on hearsay objections.
 2. The Compensation Officer will consider the following when evaluating law enforcement statements concerning applicants' cooperation, or failure to cooperate:
 - a. Whether the applicant was required to cooperate under any other state or federal law or regulation.
 - b. Whether applicant demonstrates subsequent cooperation with law enforcement.
 - c. Whether applicant demonstrates justifiable fear for victims' safety, or the safety of family members.
 - d. Whether applicant demonstrates justifiable fear of violent retaliation.
 - e. Credible threat of family disruption or displacement.
 3. Statements of law enforcement officers contained in their reports will be considered, and significant weight will be given to the evidence from, and conclusions of a law enforcement agency when determining whether or not a crime occurred, or the applicant cooperated. Evidence from the victim that contradicts, corrects or clarifies such reports will also be accepted into evidence and given full consideration.
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Chapter 400 Available Benefits

400.1 Medical, Dental Care, and Vision Care

- A. The VOCP can assist the victim to pay medical and dental expenses that have been incurred as a direct result of the crime up to a maximum of \$35,000 upon receipt of an itemized statement from the provider for all medical or dental expenses incurred, including the business address, telephone number and federal taxpayer identification number.
1. The VOCP will only pay for medical treatment or other goods or services that are related to and necessitated by the crime for which the application was approved. If the applicant is receiving treatment for a preexisting injury or condition at the time of the crime, and the injury or condition is aggravated by the crime, the VOCP will pay only the portion of the treatment related to the aggravation. For instance, if the treatment is 50 percent crime related and 50 percent necessitated by the preexisting condition, the VOCP will pay 50 percent of the cost of continued treatment.
 2. Except in cases of emergency or medical necessity, once an application has been approved by the VOCP, pre-approval may be required before any surgical treatment or other medical or dental care will be approved for payment by the VOCP. If approved, the Compensation Officer must document their authorization in the claim file. Failure of the applicant or the medical provider to obtain pre-approval from the Compensation Officer may result in the denial of payment of the bill.
- B. Dental implants will only be approved if deemed medically necessary. Cosmetic dental treatments, such as veneers, orthodontic treatment and teeth whitening, may not be covered.
- C. Only dental treatment initiated within 6 months of the date of the crime will be considered. Dental treatment that begins after that period may not be covered.
- D. Cosmetic medical treatments, such as breast implants and rhinoplasty, will only be approved if deemed medically necessary.
- E. The Compensation Officer may approve payment for sexual assault exams in rural counties where funding for such testing is unavailable, up to \$1,000 per year.
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- F. Glasses that are lost or damaged as a result of the crime must be replaced within three months of application approval. Annual glasses or contacts replacement will not be covered, except in cases of medical necessity.

400.2 Chiropractic Treatment and Physical Therapy

Any chiropractic medical intervention, including physical therapy, prescribed on a claim is limited to a maximum of \$5,000. The VOCP will consider the payment of these bills upon receipt of an itemized statement from the provider for all chiropractic treatment and/or physical therapy provided, including the business address, telephone number and federal taxpayer identification number of the provider.

400.3 Ambulance or Medical Transport

Ambulance, air ambulance and air med-flight services will be paid at usual and customary amounts using available claim funds, upon receipt of an itemized statement from the provider, including the business address, telephone number and federal taxpayer identification number.

400.4 Surgical Implants

Surgical implants will be paid on a cost basis only, upon receipt of an itemized statement and invoice, including the business address, telephone number and federal taxpayer identification number.

400.5 Prescription Medication Benefits

- A. The VOCP may reimburse applicant for prescription medications prescribed for up to 6 months after the crime. Additional time limits may be authorized for 90-day intervals with accompanying medical documentation provided to indicate that prescriptions are medically necessary. The VOCP may reimburse up to a maximum of \$6,000 for prescription medication during this time. The applicant may be required to provide medical documentation that the prescription medication is crime related and medically necessary.
 - B. These limits may be extended if the victim undergoes VOCP approved crime related surgery or other major medical procedures, necessitated by complications from previous medical care, or medical care follow up, such as removal of bullets or reparative cosmetic or dental surgery. Requests for extensions may only be approved by the VOCP Coordinator upon
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application of the Compensation Officer supported by medical documentation.

- C. The VOCP may pay for medically recommended HIV preventive prescription treatments or HPV vaccinations in sexual assault claims, subject to benefit limits.
- D. The VOCP will not pay for medical marijuana.

400.6 Counseling and Mental Health Services

A. Mental Health counseling benefits are available for all approved claims. The VOCP may pay up to \$5,000 for mental health counseling where required as a direct result of the crime, upon receipt of an itemized statement from the provider, including the business address, telephone number and federal taxpayer identification number.

B. Hourly fees for professional counseling services will be based on the following schedule. Other disciplines not listed will be paid at the rates closest to their level of credentials listed here:

- 1. Psychiatrist (MD)\$125.00
- 2. Psychologist (PHD)\$100.00
- 3. Licensed Marriage/Family Therapist (LM/FT).....\$90.00
- 4. Licensed Clinical Social Worker (LCSW).....\$90.00
- 5. Licensed Group Therapy\$50.00
- 6. Certified Intern\$50.00

C. An applicant requesting mental health counseling may be required to establish, through appropriate documentation, the need for medical or psychological treatment as a result of a personal injury as defined by NRS 217.050, before payments are approved.

D. The medical or counseling provider may be required to provide treatment plans and progress reports as may be necessary to verify the need for mental health counseling, treatment or therapy, and that such treatment is related to the crime.

400.7 Work Interruption Claims

- A. A Compensation Officer may approve lost wage or income reimbursement claims for temporary crime disabilities or work interruptions lasting up to ten (10) working days, or up to \$700 at the rate of \$70/day. This work interruption payment may be approved by the Compensation Officer regardless of the type of crime or type or nature of injury.
- B. The Compensation Officer must require verification by the applicant and/or the employer and/or medical professional that the applicant was absent from work because of the crime.
- C. Work interruption requests must be made within three (3) months after the application is approved.

400.8 Lost Wage Reimbursement Claims

- A. Lost wage reimbursement claims may be approved for crime related disabilities lasting more than ten (10) working days if the following conditions are met:
 - 1. The applicant provides a disability statement from their treating physician on a form provided by the VOCP verifying that the applicant was injured in the crime for which the application was filed, and the applicant's disability was caused or worsened by the crime related injuries.
 - 2. The disability statement specifies the nature and length of the physical disability.
 - 3. The victim did not work during the disability period.
 - 4. The victim was employed at the time of the crime and the wages paid have been verified with the employer, or if the victim was self-employed, the VOCP shall require copies of the prior two years tax returns as evidence of the validity of the victim's earnings.
 - 5. Verification that the employer provided no continuing wage benefits as part of its policies or practices.
 - 6. The information contained in the disability statement and employer statements must be complete and verifiable.
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- B. Loss of earnings may be paid at up to 100 percent of the victim's gross pay, up to a maximum of \$350 per week, not to exceed 52 weeks, or up to a maximum of \$18,200.
 - C. Lost wages will only be paid to the victim. Family members, relatives or dependents are not entitled to lost wage reimbursement benefits of a living victim who may be entitled to lost wages.
 - D. Lost wage claims may not be paid where the applicant is entitled to workers compensation or other disability payments, whether or not the applicant has applied for or is receiving such benefits.
 - E. Lost wage benefits may be used to supplement disability payments where such disability payments are less than 100 percent of the applicant's gross pay.
 - F. A self-employed applicant must submit the following documentation:
 - 1. Copies of tax returns for the two years preceding the crime injuries.
 - 2. Copies of business licenses, permits, or other documentation of self-employed status and income.
 - G. Lost wage or income benefits are intended to assist applicants with living expenses during a period of disability, not as a replacement for all lost wages or lost income.
 - H. A request for lost wages must be made within three (3) months of the application approval date.
 - I. All wage or lost income claims must be supported by a minimum of two (2) forms of documentation evidencing the lost income. Claims for wages earned "under the table," i.e. without documentation as required by these policies, will not be accepted.
 - J. Evidence of loss of income may include:
 - 1. Copies of wage check stubs for periods immediately preceding the date of the crime.
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2. Copies of federal income tax returns filed by the victim or applicant for the tax year immediately preceding the date of the crime or during the year of the crime.
 3. A Statement of Wages or Income as used to file with federal or taxing authorities such as a W-2 IRS form actually filed with the taxing authorities
 4. A statement signed by the employer on a form approved by the VOCP, attesting to the payment of wages or income to the victim. The statement must include the name, telephone number and address of the employer or person who paid or would have paid the wages or income and is subject to verification by the VOCP. Unverified statements may be rejected, and claims supported by them denied.
- K. A statement of disability must be signed by the treating physician or by a physician who has examined the victim, and include information concerning the diagnosis, the extent and expected duration of disability, and certification that the disability resulted directly from the crime.

400.9 Relocation Expenses

- A. The VOCP can assist with relocation expenses in cases where the victim will be in immediate danger of additional victimization or trauma if the victim is unable to relocate to a safe environment. The relocation must be directly related to the crime and required to avoid additional victimization or trauma from the crime for which the application was approved. Relocation services may also be approved for victims whose injuries as a direct result of the crime require relocation to accessible housing, upon receipt of appropriate medical documentation. The relocation assistance must not be used later than six months after application approval. Additional documentation of the need for relocation is required upon request. The site of the relocation is encouraged to be more than five miles from where the crime took place and/or the victim's place of residence. The VOCP Coordinator may approve benefits beyond the six-month timeline in cases where the perpetrator is being released from jail, or for other good cause.
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- B. Only the VOCP Coordinator may approve relocation benefits under other circumstances for good cause. Any decision concerning the exercise of this authority is not appealable and a hearing or appeals officer may not order the use of such authority.
- C. In order to qualify for relocation expenses, the Compensation Officer may require verification from law enforcement or Victim Advocate that the relocation is necessary for the victim's personal safety.
- D. The applicant is required to provide the VOCP with a signed rental agreement from an apartment or homeowner. The VOCP will not reimburse rental expenses paid to friends, family members or paid to sublease space in an apartment or home leased by a third party. Ownership of the residence to which the victim is relocating must be verifiable.
- E. The total amount for all relocation expenses cannot exceed \$2,500 per claim and may include:
 - 1. Rent, including security deposit and first and last month's rent
 - 2. Rental Trucks
 - 3. Temporary lodging expenses of no more than \$500
 - 4. Other necessary expenses (airline, train, bus fares, credit check, etc.)

400.10 Crime Scene Clean Up

The Applicant may request payment or reimbursement for professional crime scene clean-up of crime related biohazard materials for up to \$5,000. Receipts, estimates or other documentation satisfactory to the Compensation Officer must support any request.

400.11 Home Security

- A. A victim may be eligible to receive reimbursement of up to \$1,500 for repairing or improving residential security when necessary for the victim's personal safety and related to the crime for which the victim is approved. If the victim is deceased, a person who resided with the victim at the time of the crime may also be eligible. Some expenses that may be covered include:
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1. Damaged alarms, keypads, cameras or motion detectors
 2. Damaged locks, doors or windows
 3. Repairing or replacing window bars or security doors
 4. Replacing or increasing number of locks
 5. Self-defense courses
- B. The VOCP will not pay for:
1. Weapons (guns, mace, etc.); or
 2. Guard dogs.

400.12 Childcare

- A. Childcare expenses incurred by a victim as a direct result of a qualified crime may be approved. The total benefit available for all affected children, per crime, may not exceed \$2,500.
- B. The following conditions will be considered before reimbursement of childcare expenses:
1. The injured or deceased victim was a primary caregiver for the victim's dependent children.
 2. The benefit may only be paid for victims who suffer injury or death as a result of the crime.
- C. The childcare expenses must be consistent with the usual and customary rates charged by the childcare provider for other children in the provider's care or other providers in the area. Payment will only be made upon receipt of verifiable receipts from a licensed childcare provider. Any exceptions to this section must be documented in the claim by the VOCP Coordinator.

400.13 Mileage/Travel Reimbursement

- A. Mileage reimbursement will not be paid by the VOCP. Applicants who are required to travel for medical treatment or counseling may submit their travel
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related receipts, such as gas receipts, commercial transportation receipts, hotel receipts and meal receipts for consideration of reimbursement.

- B. Meals will only be reimbursed in cases where overnight travel is medically required. Reimbursement for receipted meal expense will be limited to a maximum per diem of \$50.
- C. Travel expense is classified as a Compensation Officer discretionary payment and is subject to the policies and limitations of that benefit classification.

400.14 COBRA/Insurance Premium Payments

- A. The VOCP may, at its sole discretion, choose to reimburse a victim for payments made to extend medical insurance under a COBRA plan or premiums to maintain insurance coverage. Payment of this expense will be considered when the reduction in current medical expense provided by the insurance is greater than the cost to the program of the COBRA coverage or premium payment.
- B. Cobra / Premium payment is subject to a limit of \$2000 per claim.

400.15 Sexual Assault Exam Fees

With the approval of the VOCP Coordinator, a Compensation Officer may approve reimbursement for up to \$1,000 for a Sexual Assault exam in rural counties where funding for such testing is unavailable.

400.16 Towing and Impound Fees

Upon the approval of the VOCP Coordinator, a Compensation Officer may approve payment of towing and impound fees for up to \$2,500 incurred by a victim or dependent as a direct result of a qualified crime.

400.17 Home Health Care

Upon the approval of the VOCP Coordinator, a Compensation Officer may approve payment of home health care assistance for up to three weeks at a maximum rate of \$350/week. Payment will be made upon receipt of completed sheet detailing care provided to victim.

400.18 Survivor Benefits

- A. Loss of income or support payments may be paid to qualified dependents of a deceased victim, who was employed at the time of the crime.
 - B. Approved support will only be paid directly to a dependent of the victim as described in NRS 217.040. This section states:
 - C. “Dependent” means the relatives of a deceased or injured victim who were wholly or partially dependent upon his income at the time of his death or injury.
 - D. Evidence of loss of income may include:
 - 1. Copies of wage check stubs of the victim for periods immediately preceding the date of the crime.
 - 2. Copies of federal income tax returns filed by the victim or applicant for the tax year immediately preceding the date of the crime or during the year of the crime. IRS transcripts may be required.
 - 3. A Statement of Wages or Income of the victim as used to file with federal or taxing authorities such as a W-2 IRS form actually filed with the taxing authorities.
 - 4. A statement signed by the employer of the victim attesting to the payment of wages or income to the victim, which includes the name, telephone number and address of the employer, or person who paid or would have paid the wages or income, and is subject to verification by the VOCP.
 - 5. Unverified statements may be rejected, and any claims supported by them denied.
 - E. Loss of support may be paid at up to 100 percent of the victim’s gross pay, up to a maximum of \$350 per week, not to exceed 52 weeks, or up to a maximum of \$18,200. Payment of this benefit will be divided on a pro rata basis in cases where multiple dependents submit valid claims.
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400.19 Funeral and Burial Expenses

- A. The VOCP may reimburse any individual who pays funeral and burial expenses for a deceased victim of crime. This benefit is not restricted to family members but can be paid to any individual who has paid funeral and burial expenses for a qualified victim. The VOCP may reimburse up to \$5,000 for a deceased victim's funeral and burial expenses. If any other funds are available, such as voluntary crowdfunding platforms that raise funds specifically for funeral/burial costs, they must be utilized and exhausted prior to obtaining approval for VOCP funds.

- B. Funeral Expenses Not Covered include:
 - 1. A pre-purchased funeral or grave

400.20 Discretionary Authority

- A. The Program Manager may recommend, to the VOCP Coordinator, the approval of any crime related expense that is not specified in these policies. The discretionary benefit offered in this category is limited to \$500 per claim.

 - B. Any decision concerning the exercise of this authority is not appealable and a hearing or appeals officer may not order the use of such authority.

 - C. The VOCP Coordinator may approve such requests where the request is supported by documentation satisfactory to the VOCP Coordinator. Approval of discretionary requests must be documented in the claims file.

 - D. Discretionary funds will not be used to extend benefits in another category that are otherwise exhausted.
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Chapter 500 Compensation Determinations

500.1 VOCP Standards for Determining Compensation

- A. NRS 217.150 requires the Director of the Department to formulate standards for determining the amount of any compensation payable to an approved applicant.
 - B. These policies formulate the standards for the uniform application of NRS 217.010 through NRS 217.270, inclusive, in the determination of compensation to be paid by the VOCP.
 - C. Compensation payable to an approved applicant as required by NRS 217.150 will consist of only those claims approved for payment by the VOCP pursuant to these policies.
 - D. A claim submitted for payment by the victim or provider is an approved claim when all the following occurs:
 - 1. Receipt of the claim by VOCP, with all required supporting documentation;
 - 2. Verification that the claim is the responsibility of the applicant;
 - 3. Verification that the claim is crime related;
 - 4. Confirmation that the claim is for an approved benefit;
 - 5. Review and application of appropriate fee schedule or other approved rate;
 - 6. Approval by the Compensation Officer;
 - 7. Approval by the Program Manager; and
 - 8. Approval by Department fiscal personnel.
 - E. New incidents, or injuries suffered during a pending claim, with the same perpetrator, will be consolidated and included under any existing open or approved claim. The Compensation Officer may approve medical treatment for additional injuries under the existing claim.
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- F. An applicant may not accumulate additional benefits by filing additional or duplicate applications, where there are multiple incidents or ongoing claims with the same perpetrator. The Compensation Officer may, however, consider additional costs as a result of further or additional injuries while an approved claim is open. This section shall not be construed to mean that any program or benefit limits will be exceeded.
- G. Additional or subsequent claims will not be denied because the applicant filed prior claims, regardless if those claims were accepted or denied, when such filings are in good faith and not to obtain unwarranted benefits or payments.

500.2 Estimating Revenue and Expenses

- A. NRS 217.260(2) requires the Director of the Department to estimate the VOCP's revenue and anticipated expenses on a quarterly basis.
- B. These policies establish priorities for the payment of claims so that approved expenses do not exceed available revenues in any quarter of a fiscal year. When claims are paid pursuant to these, policies expenses will not exceed revenues budgeted for the payment of claims.
- C. The application of cost containment measures, including fee schedules and claim and benefit caps, are intended to maintain claim costs.

500.3 Claim Payment Priorities

- A. In order to effectuate the provisions of the applicable statutes, and the standards and criteria stated in these policies, the VOCP will pay approved claims according to the priorities established in this section. Claims will be categorized and paid by priority as follows:
 - 1. Priority One Claims
 - a. Priority one claims will be paid before all other existing or known claims are paid and consist of bills for medical treatment or services provided to the applicant that were pre-approved by the Compensation Officer, after the claim has been approved by the VOCP. Such claims may include expenses such as: surgery to remove bullets, reparative cosmetic or dental care, prosthetic devices, or equipment such as wheelchairs. Priority one claims will be paid upon receipt of appropriate billing documentation from the

provider or vendor. Priority one claims will be paid at the rate pre-approved by the Compensation Officer or pursuant to VOCP fee schedules or these policies.

2. Priority Two Claims

- a. Priority two claims will be paid after existing or known priority one claims and consist of bills for services or for benefits provided to the applicant after the application has been approved by the VOCP. These claims consist of expenses such as mental health counseling, lost wage reimbursement, prescription medication, relocation costs and medical expenses incurred after claim approval.
- b. Priority two claims will be paid upon receipt of appropriate billing documentation by the provider. Priority two claims will be paid at the fee schedule rate or the rates set forth by these policies.

3. Priority Three Claims

- a. Priority three claims will be paid after existing, known, or anticipated priority one and priority two claims and will consist of bills or claims incurred by the applicant prior to claim acceptance by the VOCP. Such claims include hospital emergency room bills, ambulance charges and other medical or service charges incurred prior to claim acceptance by the VOCP.
 - b. When adequate funds are available pursuant to VOCP funding and budgeting priorities, priority three approved claims will be paid at 100 percent of the approved amount. When budgeted and available funding for the fiscal year quarter is insufficient to pay approved priority three claims at 100 percent of the approved amount, then all approved priority three claims will be paid on a pro-rata share of funds available for that fiscal year quarter. A claim may be paid at any time, as determined by the VOCP regardless of its priority status. Designation of a priority status lower than another does not mean it will be paid after a claim designated with a higher priority status.
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500.4 Fee Schedules

- A. These policies recognize that VOCP revenues will not always be sufficient to pay all approved claims at the approved amount, and that priorities for the payment of benefits are necessary to ensure the fair treatment of applicants and providers or vendors.
- B. These policies establish the principle that the VOCP will endeavor to provide assistance to victims in a manner that will assist them recover from injuries and trauma first; and then assist them with financial relief from crime related debt, incurred by the victim prior to claim acceptance by the VOCP.
- C. The VOCP will negotiate or compromise claims in a manner that will provide the greatest debt relief to a victim at the least cost to the VOCP.
- D. When determining the validity of medical or other provider claims, the VOCP will consider the fee schedules adopted by the State of Nevada for payment of workers compensation claims, or other insurance industry fee schedules accepted by the provider, whichever provides the greatest discount for the VOCP.
- E. The VOCP may utilize the fee schedule recommended payment or may pay a larger or smaller amount than the recommended fee schedule amount when circumstances of a particular claim may require.
- F. Where medical fee schedules are not available for a claim or service, the VOCP will consider the usual and customary charges for such services.
- G. When pre-approving medical treatment or other services, the VOCP may adjust such fees as approved by the VOCP Coordinator.

500.5 Restitution, Civil Suits, and VOCP Subrogation Lien

- A. A judge may order restitution to the victim or to the VOCP directly. If the victim receives money from a restitution order directly, the VOCP may exercise its subrogation rights.
 - B. If an applicant files a civil suit against a perpetrator or a third party, the law requires them to notify and repay the VOCP pursuant to NRS 217.240 and these policies.
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500.6 Limits on Compensation

- A. Per NRS 217.180, the compensation officer shall award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim.
- B. If, during the course of a claim, an applicant is convicted as an offender in another crime enumerated in NRS 217 or the policies, VOCP shall close their claim and no further benefits will be authorized. Crimes that would terminate an existing compensation claim are those involving: violations of the provisions of NRS 484C.110 regarding driving under the influence of intoxicating substances; the use of a vehicle punishable pursuant to NRS 484C.430 or 484C.440 regarding substantial bodily harm resulting from operation of a vehicle while under the influence of intoxicants; participation as a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries.
- C. To qualify for VOCP benefits, the applicant must not have participated in the crime that led to the victimization. A victim participated and is not eligible if they are a "coconspirator, codefendant, or accomplice" in the crime, or if they are an adult passenger of a DUI driver.
- D. Claims may or may not be denied where the victim was engaged in illegal activities or was committing a crime under Nevada law at the time of their injuries.

500.7 Contributory Conduct Considerations

- A. A victim whose injuries are substantially attributable to a wrongful act or substantially provoked by the victim may not be eligible for VOCP benefits.
 - B. Contributory conduct is defined as intentional conduct, willingly and knowingly engaged in by the victim that is both a direct cause, and a proximate cause, of the victim's injuries.
 - C. Applications will not be denied based on contributory conduct where:
 - 1. The victim is a victim of sexual assault;
 - 2. The victim is a victim of domestic violence;
 - 3. The victim acts in self-defense or defense of others; or
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4. The victim's acts are attributable to reasonable efforts by the victim to aid a crime victim, to prevent a crime from occurring in their presence, or to apprehend a person who has committed a crime in their presence.
- D. To qualify for benefits the victim's actions must not be substantially attributable to a wrongful act or substantially provoked by the victim.

500.8 Mitigating Factors

- A. Contributory conduct may be mitigated or excused in some circumstances. In cases where contributory conduct has been raised, the following mitigating factors may be considered:
1. The victim is a victim of presumed or threat of injury crimes.
 2. The victim suffered an injury that was significantly more serious than reasonably could have been expected from their involvement in the events leading to the crime.
 3. Another person involved in the events leading to the crime escalated their conduct in a manner not reasonably foreseeable by the victim.
 4. A third party interfered in a manner not reasonably foreseeable by the victim.

500.9 Drug and Alcohol Intoxication Issues

- A. Alcohol or drug intoxication is not a basis for the denial of benefits under these policies.
- B.

500.10 Limited Claim Acceptance

Where there are contributory conduct issues that suggest denial and mitigating factors that may reduce applicants' culpability only partially, the Compensation Officer may approve the claim for limited benefits, such as paying medical bills, but not lost wages or prescription medication benefits.

500.11 Claim Limits

- A. The VOCP pays or reimburses victims for a variety of crime related expenses including medical, counseling, funeral, lost earnings, prescription medication, relocation and other crime related costs pursuant to NRS 217.200.
 - B. The VOCP may reimburse applicants for specified expenses incurred as a result of the crime, which are not reimbursed by other sources. Requests for reimbursement must be accompanied by verifiable receipts. Handwritten receipts for compensable expenses may be denied without corroborating evidence of payment.
 - C. Medical expenses incurred by a deceased victim may be considered for reimbursement only in cases where the applicant has incurred a legal obligation for payment as a relative or dependent of the victim as defined in NRS 217.060 to include:
 - 1. A spouse, parent, grandparent or stepparent;
 - 2. A natural born, step or adopted child;
 - 3. A grandchild, brother, sister, half-brother or half-sister; or
 - 4. A parent of a spouse.
 - D. The VOCP does not reimburse expenses or pay for property loss or pain and suffering. There is no cash payment, award or settlement.
 - E. The VOCP does not pay for the treatment of addiction but can assist the victim with obtaining access to treatment and potential funding.
 - F. When expenses are submitted for payment, the VOCP will verify that the treatment or service was necessary as a result of the crime, and that it is payable under these policies.
 - G. To detect and prevent possible billing errors or fraud, the applicant may be required to verify that treatments or services were received as billed, before payment to the provider is made. Payment may be denied where the VOCP is unable to verify service delivery.
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- H. The VOCP does not pay foreign providers directly. The victim/applicant must pay the bill and submit the bill and receipt for consideration. Bills in foreign languages must be professionally translated at the victim's expense.
- I. An application may be denied if the victim will not incur a serious financial hardship without VOCP assistance. In determining if a hardship exists the VOCP allows the victim to have up to one year's earnings in savings or investments, plus the equity in a home and automobile, and still be financially eligible.

500.12 Claim and Benefit Limits

- A. The claim limit established by these policies is \$35,000 per approved claim except in cases of catastrophic injuries, where limits may be extended upon approval of the VOCP Coordinator.
- B. The amount of compensation that is payable per approved claim is determined by the Director after consideration of factors that include an evaluation of resources available to the VOCP and demands for services offered by the VOCP in the state. The Director also considers the type and amount of compensation payable in other states.
- C. The claim limit is the total amount the VOCP can pay per approved claim, regardless of applicants' expenses or the number or type of benefits approved by the VOCP.

For example, an applicant may be approved for lost wage benefits up to \$18,000, prescription medication reimbursement up to \$6,000, counseling up to \$5,000, and payment of hospital bills up to \$35,000. If the VOCP pays \$9,000 in lost wage reimbursement, \$3,000 for prescription medication, and \$3,000 for counseling, the remaining amount for the hospital is \$20,000. The applicant may have hospital bills totaling \$30,000, but since the claim limit is capped at \$35,000 and \$15,000 has been paid or reserved for other benefit payments, the hospital would only receive up to \$20,000. If the hospital accepts the payment of the lesser amount, the entire bill is deemed paid in full by NRS 217.245, and the applicant is relieved of any further legal obligation for that debt.

- D. The VOCP pays a variety of "benefits" on approved claims. Most benefits are defined and limited by these policies. These limits are a cap on expenditures in a specific benefit category, not a guarantee or right to such
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a benefit payment. Any benefit levels provided for in these policies may be adjusted from time to time as the Director determines.

- E. A hearings or appeals officer may not order the Compensation Officer to pay any claim or benefit that exceeds the limits set by these policies.
- F. The VOCP Coordinator is authorized to approve payments that exceed the approved medical fee schedules or claim benefit levels when such approval is necessary:
 - 1. In emergencies;
 - 2. As necessary to address unforeseen circumstances;
 - 3. As required to meet a commitment by the VOCP to a medical or other provider or vendor; or
 - 4. For good cause as determined by the VOCP Coordinator.
- G. Such approvals must be documented in the VOCP file.
- H. The VOCP may reimburse applicants for specified expenses incurred as a result of the crime, which are not reimbursed by other sources. When expenses are submitted, staff will verify that the treatment or service was necessary as a result of the crime and that it is covered by the VOCP.

500.13 Medical Bill Review

- A. VOCP policies establish maximum rates and service limitations for all compensation benefits. Medical, hospital, dental and other bills are reviewed by the VOCP's contracted bill review company and reduced to established medical fee schedules, primarily Nevada Workers' Compensation fee schedule. Other discounts may be applied, and usual and customary rates for specific treatments may be used.
- B. When adequate funding is available, bills are paid according to these fee schedule recommendations. When funding is less than the total of bills approved each fiscal quarter, then the bills are paid at a reduced percentage of the fee schedule amount, based on available funding.

500.14 Catastrophic Injury Claims

- A. Catastrophic Injuries are those that create a total and permanent disability for the victim, defined as the loss of multiple extremities, paraplegia or quadriplegia, or loss of sight in both eyes.
- B. A Catastrophic Injury claim may be approved by the VOCP Coordinator as permitted by NRS 217.200. Additional funds may be used to pay for items that directly assist the victim, such as medical care and surgeries, making a home or vehicle accessible, job training and vocational rehabilitation, or purchase of and/or training in the use of special appliances or prosthetic devices. Home accessibility renovations such as ramps, door widening, and auto renovations for handicap access may be considered by the Compensation Officer on catastrophic claims.
- C. A claim involving life-threatening injuries where additional surgical or emergency medical care is required to save the life or when failure to receive necessary treatment will result in significant and permanent loss of an important bodily function, and where the cost of such necessary medical care exceeds the \$35,000 limit set by these policies, may be approved for additional funding by the VOCP Coordinator.
- D. Catastrophic Injury funds are not intended for long-term nursing care or in-patient type services. These policies recognize that such claims will exhaust funds intended to provide lifesaving care or to assist in restoring mobility and access. Any requests for in-patient, nursing home, or other long-term care will not be approved by the VOCP. Childcare assistance for catastrophically injured minors will be considered by the VOCP Coordinator on a case-by-case basis.

500.15 Payment Processes

- A. Written pre-approval is required before any medical treatment or other service will be assured approval and payment by the VOCP.
 - B. Pre-approval for payment of any claim is valid for sixty (60) days from the date authorized, unless a different time is stated in the authorization. If a medical or other service is pre-approved, the Compensation Officer will document their authorization in the claim file.
 - C. Failure of the applicant or the medical provider to obtain pre-approval from the Compensation Officer may result in the denial of payment of the bill if funds are not available under the claim or if claim funds have been pre-authorized or committed to other purposes.
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- D. Requests for pre-approval of treatment must identify by CPT or ADA codes the specific treatment that is planned. Pre-approval will not be given for undefined treatment. The VOCP will not pre-approve Physical Therapy, Chiropractic, or Counseling providers for a specific number of visits. Available benefits are limited by amount, so pre-approval by number of visits cannot be accommodated.
- E. Claims for services provided to the victim prior to application approval, such as hospital emergency room bills, are paid at the end of each fiscal year quarter and may be discounted below fee schedule as otherwise provided in these policies. Any medical or other provider, or any other person who accepts payment from VOCP, even significantly discounted or reduced payments, accepts the reduced rate as “payment in full” for the treatment or services provided to the victim as provided by NRS 217.245. The medical or other service provider or any other person cannot collect any unpaid balances from the victim or the VOCP.

500.16 Reimbursement to Applicants Limited to Fee Schedule

- A. Applicants may be reimbursed up to the fee schedule amount, or the amount determined by the VOCP to be “usual and customary,” for any crime-related medical or other bill approved for reimbursement by the VOCP.
- B. Approved applicants should not pay medical bills themselves in expectation of full reimbursement since the VOCP may reimburse the applicant up to the fee schedule rate only. The fee schedule rate is usually significantly less than the billed amount paid by the applicant.

500.17 Pre-existing Conditions Not Payable by the VOCP

Requests for the payment of treatment for needs that existed prior to the crime will be denied by the Compensation Officer and will not be accepted as a part of the victim’s claim. For example, requests for the VOCP to pay for prescriptions that the applicant had been receiving prior to the crime will be denied.

500.18 Second Opinions and Independent Medical Exams

- A. The VOCP retains the right to require an applicant to obtain a second opinion or IME from a medical provider chosen by the VOCP, before
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agreeing to pay any medical claim or medically prescribed treatment, prescriptions, medical device or other costs, or further medical benefits.

- B. If the applicant fails to cooperate with a request for a second opinion, the claim may be closed, and further benefits denied.
- C. All expenses associated with a VOCP required second opinion or IME will be paid from the victim's claim as a medical expense.

500.19 Co-Pays and Deductibles

In cases where the victim is covered by insurance and is liable for co-pays or deductibles, the Compensation Officer will determine whether the treatment was a direct result of the crime and authorize payments for co-pays or deductibles up to the maximum allowed pursuant to these policies.

500.20 Applicant or Provider Not Authorized to Obligate VOCP

- A. An applicant is never authorized to obtain medical or other services or products, including prescription drugs, with the expectation that such services will be paid for by the VOCP, without express, written authorization by the Compensation Officer or Program Manager.
- B. A medical or other provider or vendor is never authorized to provide a service or product to an applicant with the expectation that such services or product will be paid for by the VOCP, without express, written authorization by the Compensation Officer or Program Manager.

500.21 Subrogation Rights of Program

- A. The VOCP is entitled to be reimbursed any funds expended on any claim in the event the applicant obtains any recovery, either by civil lawsuit, restitution, or any other crime related payment, settlement, or reimbursement.
 - B. If the applicant received money from another person or entity, including any collateral source, for any expense paid by the VOCP, the VOCP has the right to recover this money.
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- C. The VOCP has the authority to seek restitution from the offender for any money paid by the VOCP and is subrogated to any collateral source that is available to the victim.
- D. If it is discovered that an applicant was not actually eligible to receive an award of any payments or other benefits the VOCP may recover the payments made.

500.22 Civil Suit by VOCP

- A. The VOCP may pursue a legal action to receive reimbursement, repayment, or subrogation. The VOCP has a right of reimbursement, repayment and subrogation from:
 - 1. The offender who was convicted of an offense, which resulted in an award. Multiple offenders are jointly and severally liable.
 - 2. A third party who has an expressed or implied contractual or legal relationship, which obligates them to pay any expenses.
 - 3. Ineligible applicants or applicants who have been overpaid, or paid benefits they were not entitled to receive.
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- B. Where the VOCP commences an action against the person or persons responsible for a victim's injuries to recover monies compensated to a claimant, the claimant shall cooperate fully with the VOCP in pursuit of its action including, but not limited to, joining as a party to said action.

500.23 Civil Suit by Applicant

- A. Applicants, who successfully pursue civil suits to recover damages, are entitled to a credit for their costs and attorney fees when determining the amount the applicant must pay to satisfy the VOCP subrogation lien.
- B. To receive credit for attorney fees and costs, the applicant is required to provide the VOCP with information about the civil suit, including the amount recovered by judgment or settlement, and the amount of attorney fees and costs. The VOCP will not consider reducing its lien or sharing in the attorney fees and costs without this information. In such cases the applicant will be required to repay 100 percent of the VOCP lien without a credit for fees and costs.
- C. In calculating the value of attorney fees and costs, the VOCP will apply the calculations set forth in the formula devised by the Nevada Supreme Court in *Breen v. Caesar's Palace*, 715 P.2d 1080 (Nev. 1986). The formula used to determine the amount due the VOCP is calculated as follows:

The maximum percentage of the VOCP share of attorney fees is determined by dividing the VOCP Lien Amount by the Amount of Settlement, less the Amount of attorney's fees. Next multiply the percentage obtained by the attorney's fees. This amount is deducted from the VOCP Lien Amount. For example, if the settlement was for \$100,000, and the attorney's fees were \$33,333.33 and the VOCP lien was for \$35,000.00, the VOCP's share of the attorney's fees would be 52.5% [$\$35,000/(\$100,000-\$33,333.33)$], or \$17,500.00 and the net due to the VOCP in subrogation would be \$17,500.00 [$\$35,000$ Lien less \$17,500 in attorney's fees].

- D. VOCP liens may be waived entirely when the applicant demonstrates that the recovery is insufficient to adequately cover the damages suffered by the applicant due to the crime, and the VOCP determines the recovery by the victim outweighs the VOCP interest in its subrogation recovery.
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- E. The VOCP Coordinator is authorized to approve all compromises, settlements or waivers of subrogation liens. All subrogation lien compromises, settlements or waivers will be documented in the VOCP case file. The amount recovered from subrogation payments or other recoveries should be documented in the claim file.

 - F. The Program Manager should be notified that the claim status can be changed to Closed/Maxed when the Compensation Officer receives the subrogation settlement, and the victim should be notified that the claim has been closed.

 - G. After a claim has been closed following acceptance of the subrogation settlement by VOCP, or if the case has settled before the victim applies to VOCP, the victim may request continued assistance subject to approval by the VOCP Coordinator. The victim is required to submit an itemized list showing that the victim has spent his or her portion of the settlement proceeds on crime related expenses. If a portion of the settlement has been paid to VOCP, that amount should be added to the approved claim limit.
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Chapter 600: Acceptance, Denial and Closure, and Reconsideration

600.1 Timeframe for Decision

NRS 217.110 requires the Compensation Officer to approve or deny claims within 60 days of application. The Compensation Officer must consider and apply the provisions of NRS 217 and the policies set forth herein when considering applicants eligibility for VOCP benefits.

600.2 Claim Acceptance

- A. When a claim is accepted, the Compensation Officer will approve the payment of eligible benefits promptly upon receipt of documentation necessary to establish the following:
1. The expense is related to injuries to victim during the crime for which the application is approved.
 2. The expense is for an approved benefit.
 3. The expense is for a service that was actually provided.
- B. A claim that has been accepted may be denied and/or closed where the Compensation Officer determines any of the following:
1. The application was approved in error.
 2. The application was approved based on false or fraudulent information.
 3. The applicant fails or refuses to cooperate with the VOCP.
- C. Acceptance of an application should not be construed as a finding of wrongdoing by any party. Acceptance of an application or approval of any benefit provided by the VOCP is simply a determination by the VOCP that the applicant has met the criteria for approval.

600.3 Claim Denial

- A. Pursuant to NRS 217.110, the Compensation Officer shall deny the claim within five (5) days after receipt of an application if the applicant's ineligibility is apparent from the facts stated in the application.
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- B. Applications that do not meet the criteria set forth in NRS 217 and these policies may be denied at any time, even if previously accepted, whether benefits were paid or not.
- C. Applicants who would otherwise qualify under NRS 217 and these policies, but who have no financial need because the applicant's injuries are covered by workers compensation, health or disability insurance, or other benefit or assistance programs, or who otherwise have no financial need for the assistance offered by the VOCP, may be denied.
- D. When a claim is denied, the Compensation Officer will notify the applicant of the denial citing the statute or policy reason for the denial. The notice of denial will advise the applicant of appeal rights and the procedure for filing an appeal.
- E. Denial of an application should not be construed as a finding of wrongdoing by the applicant. Denial of an application or any benefit provided by the VOCP is simply a determination by the VOCP that the applicant has not met the criteria for approval. Denial for "contributory conduct," "failure to cooperate," or for other reasons is not intended to imply guilt or liability on any applicant denied VOCP benefits.
- F. If an applicant disagrees with a denial and believes the Compensation Officer made a mistake in closing a claim or denying the application or a particular benefit, or has additional information, they may request reconsideration, or appeal the denial, by following the instructions on the notice of denial.

600.4 Reasons for Denial

The Compensation Officer may deny an application when it does not comply with NRS 217 or program policies.

600.5 Consolidated Applications

- A. Duplicate, multiple, or succeeding applications will be denied or consolidated with any open prior application filed by an applicant.
 - B. Applications for multiple incidents involving the same perpetrator will be consolidated with any open prior application filed by the applicant.
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600.6 Vacated Applications

- A. Applications withdrawn by the applicant will be considered vacated and will have no impact on the applicant's ability to reapply.
- B. Applications that are incomplete, inadequate or otherwise not completed by the applicant may be vacated or denied by the Compensation Officer.

600.7 Inactive Claims and Claim Closure

- A. Claims may be considered "inactive" where no documented claim billing activity, including, but not limited to further medical treatment or counseling activity occurs for a period of 180 days or more from the last billing or claim activity.
 - B. An inactive claim may be reopened to active status at any time upon the request of the applicant, for any of the following reasons:
 - 1. The applicant has additional crime related expenses.
 - 2. The applicant wishes to resume mental health counseling and has benefit funds available.
 - 3. The applicant needs additional crime related medical treatment or care.
 - 4. Other reasons as approved by the Compensation Officer.
 - C. Claims may be closed for payment of further benefits when any of the following has occurred:
 - 1. All known crime related expenses as approved by the Compensation Officer have been paid.
 - 2. Newly discovered information indicates the claim was accepted in error or in violation of NRS 217 or policies.
 - 3. Suspected fraud, dishonesty or deceit.
 - 4. Harassment of VOCP staff or VOCP contractors.
 - 5. Failure to cooperate with VOCP staff or its contractors.
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6. The applicant has violated any of the provisions of NRS 217 or the policies adopted herein.
- D. Claims may be closed for the payment of further benefits when the Compensation Officer provides the applicant with written notice that:
 1. the claim is being closed;
 2. the applicant can request reconsideration; and
 3. the applicant has the right to appeal the claim closure.
 - E. Notice of appeal rights will be provided with every notice of claim closure.
 - F. A survey requesting information about VOCP's performance will be provided with every claim closure.
 - G. In cases where maximum benefits have been paid, appeal rights are not required.
 - H. If an applicant appeals a claim closure, they must establish the following:
 1. the VOCP failed to pay an approved or approvable crime-related expense or benefit when there were claim funds available for their payment; or
 2. the Compensation Officer abused their discretion in applying these policies or the provisions of NRS 217 when closing the claim for further benefits.

600.8 Reconsideration

- A. An applicant may request Compensation Officer reconsideration of closures or denials before or after filing an appeal.
 - B. When requesting reconsideration, the applicant should provide the information that cures the deficiency that led to the Compensation Officer's decision to close or deny the claim.
 - C. The request for reconsideration may be made instead of an appeal. If a written request for reconsideration is made, it will extend the time to appeal the Compensation Officer's determination until the request for reconsideration is approved or denied.
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- D. If the reconsideration is denied, the decision closing or denying the claim can then be appealed.

600.9 Reopening

- A. An approved applicant whose claim has been closed may request reopening to request payment of documented crime-related expenses not paid at the time of claim closure, or to seek additional crime-related medical care.
- B. Reopening will not be approved if the claim was closed for any of the following reasons:
 - 1. Fraud, deceit or dishonesty;
 - 2. Harassment of VOCP staff or VOCP contractors;
 - 3. Failure to cooperate with VOCP staff or its contractors; or
 - 4. Violation of any of the provisions of NRS 217 or the policies adopted herein.
- C. Claims reopened for payment of additional crime-related expenses may be re-closed without further notice or appeal rights. Such closure does not affect an applicant's ability to request reopening again.

600.10 Protection from Collection Agencies

- A. It is illegal under Nevada law for a vendor or provider to bill or hold the applicant responsible for the difference between the billed amount and the amount paid by VOCP and accepted by the provider. NRS 217.245 provides that when a provider or vendor accepts payment from the VOCP, the payment is considered payment in full.
 - B. If a bill collector or anyone else attempts to collect from the applicant after the bill has been paid by the VOCP, they should be told to cease all collection activities or risk criminal charges under NRS 217.245. VOCP staff will assist the victim in stopping collection activity after approved claims have been paid.
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Chapter 700 Appeal Rights & Procedures

700.1 Appeal Rights

- A. When a claim or benefit is denied, and appeal rights are stated in the determination denying the claim or benefit, an applicant has sixty (60) days to appeal the denial by filing a request for hearing with the Hearing Division of the Department of Administration pursuant to NRS 217.112.
- B. Determinations that are appealable under these policies or the provisions of NRS 217.112, will include appeal rights substantially similar to the following:

APPEAL RIGHTS

If you disagree with this decision, you have the right to appeal to the Hearing Officer. Appeals must be filed within sixty (60) days from the date of this letter by sending a copy of this letter with a written request for a hearing to:

Department of Administration

Hearing Division

Address and Fax #

The VOCP website has appeal forms in English and Spanish, and helpful information about your appeal rights, and the appeals process at www.voc.nv.gov.

700.2 Failure to Respond to Written Request

- A. The Compensation Officer will respond to the written requests concerning benefit or claim issues within thirty (30) days of receipt of the written request.
 - B. If the Compensation Officer does not respond to a written request of the applicant concerning claim or benefit issues provided for in these policies, within thirty (30) days of the Compensation Officers' receipt of the written request, the applicant may request a Hearing Officer review of the Compensation Officer's failure to respond to the written request.
 - C. The Hearing Officer may consider the request if the matter is within the Hearing Officer's jurisdiction or may remand the matter for review by the Compensation Officer.
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700.3 Non-Appealable Matters

Applicants may only appeal written determinations of the Compensation Officer, or the failure to respond to a written request as provided for in these policies. Unless otherwise provided for in these policies, or by law, only written determinations by the Compensation Officer are subject to the jurisdiction of the Hearings Division under the provisions of NRS 217.112.

700.4 Burden of Proof

- A. To qualify for the benefits offered by the VOCP, the applicant must meet certain criteria, and the crime must be an eligible crime. The applicant has the burden of proof, by preponderance of the evidence, to establish eligibility for acceptance and payment of any benefit offered by the VOCP.
- B. This level of proof places the burden of establishing eligibility on the applicant or victim by a preponderance of the evidence. For instance, claims for benefits such as lost wages or relocation payments must be reasonably supported by original, valid documents, such as receipts or tax returns. The applicant, to the reasonable satisfaction of the VOCP, must answer questions concerning the legitimacy of such documents.

700.5 Appeals Process

- A. The Compensation Officer will promptly notify the applicant if their application is denied and the reason for the denial. The notification will include the applicant's appeal rights as specified in NRS 217.112. An applicant may appeal any written determination where appeal rights are stated in the determination or as otherwise provided by law or these policies.
 - B. To avoid disclosure of sensitive information and possible embarrassment to the applicant, the reason stated for denial will refer to the general reasons for denial set forth in these policies and will not cite details of the crime.
 - C. Hearings conducted in VOCP matters by Hearings or Appeals Officers are not open to the public except with the consent of the applicant.
 - D. Decisions of the Hearings or Appeals Officers are confidential documents and not available to the public without the written consent of the applicant or as otherwise required by law or court order, or these policies.
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- E. Hearing Officers are not required to make a sound recording of their hearing. The Hearing Officer's written decision is considered the record.

700.6 Appeal to a Hearing Officer

- A. If an applicant disagrees with a written determination of the Compensation Officer, which includes appeal rights as provided in these policies, the applicant may appeal the determination to a Hearing Officer as provided in NRS 217.112.
- B. The time allowed to file an appeal includes an additional three 3 days for mailing.
- C. The Hearing Officer will conduct an informal hearing, usually within 30 days of a request for hearing. The applicant may attend the hearing in person, by telephone, or may submit a written statement in lieu of appearing in person or by phone.
- D. The VOCP will, prior to the hearing, submit a written statement to the Hearing Officer and provide a copy of the statement to the applicant. The Compensation Officer may attend the hearing in person, by telephone, or may rely on the statement submitted to the Hearing Officer without appearing at the hearing. If VOCP received the police report from the police department, VOCP must not disseminate that report to the victim/applicant.
- E. If the Hearing Officer does not resolve the matter, the applicant or the VOCP may appeal the Hearing Officer's decision to an Appeals Officer.

700.7 Appeal to Appeals Officer

- A. If either the applicant or the VOCP appeals a decision of the Hearing Officer, the Compensation Officer will compile an evidentiary package for the Appeals Officer that will include, but not be limited to, the following:
 - 1. A report or statement concerning the issue on appeal, and
 - 2. Documents in possession of the VOCP that were considered in the decision being appealed.
 - B. Copies of this evidentiary package will be provided to the applicant's address on file with the VOCP. Documents containing information considered confidential by law will be redacted. If VOCP received the police
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report from the police department, VOCP must not disseminate that report to the victim/applicant.

- C. The Compensation Officer will be available to the Appeals Officer, either in person or by telephone, or may submit the matter for decision based on the evidentiary package submitted to the Appeals Officer.

700.8 Appeals to the Director

- A. Appeals to the Director are governed by NRS 217.117(3). The applicant or the Division may only appeal a final decision by the hearing officer and must submit the appeal to the Director within 15 day of the hearing officer decision.
 - 1. Upon receipt of an appeal, the Director shall provide both parties fifteen (15) days to submit any additional documentation not previously considered by the hearing's officer.
 - 2. The hearing's officer shall make the file available for inspection by the Director.
 - 3. The Director may make a determination based on the written documentation, or the Director may schedule a Victim Compensation Meeting to assist in the decision-making no later than thirty (30) days after the submission deadline to written material. The meeting will comply with Open Meeting Law.
 - 4. The Director shall issue a written decision within fifteen (15) days of the deadline to submit written documentation or the Victim Compensation Meeting, whichever is later.

Chapter 800 Victim Advocates and Attorneys

800.1 Advocate Assistance

- A. Victim Advocates provide a variety of services to victims of crime. An important priority among their duties is providing assistance with completing applications for compensation from the VOCP. If an agency or program receives federal funding for Victim of Crime Assistance, they are required by their grant's conditions to assist victims with completing the VOCP application and to assist them with obtaining VOCP benefits.
- B. These policies will assist Victim Advocates to understand VOCP rules and identify available benefits. They will assist Advocates with complying with federal law by providing guidance to those submitting VOCP applications and in helping victims obtain appropriate crime related benefits.

800.2 Federal Requirements

- A. United States Code, Title 42, Chapter 112, §10603, Crime Victim Assistance Section 10603(b)(1)(E) requires recipients of federal VOCA funds to assist victims' with completing VOCP applications. This federal law provides in part:

“(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program ...
(E) Assists potential recipients in seeking crime victim compensation benefits”

800.3 The Advocate's Role in the Appeal Process

- A. The VOCP encourages Victim Advocates to assist the applicant in the appeals process. If a claim is denied, an advocate may be a significant help to the victim by assisting the victim with an appeal.
 - B. The Victim Advocate can help the victim complete the application process and help the victim respond to VOCP requirements and communications. The Advocate can assist the victim with obtaining and presenting required information or documents, such as police or medical reports, to the Hearing Officer.
 - C. If the Advocate chooses to assist the victim, they can receive copies of all correspondence from the VOCP related to the claim upon request. If the
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Advocate wishes to assist the applicant in the appeal process, the applicant must sign the consent on their application.

- D. Advocates are not required to be licensed to practice law in order to assist an applicant with appeals of VOCP decisions.

800.4 Attorney Fees

- A. Attorney fees may be allowed in payment to Nevada attorneys for legal services in assisting the victim with applying for and recovering benefits available through the VOCP pursuant to NRS 217.140.
 - B. The VOCP may pay attorney fees in an amount not to exceed 10 percent of the amount paid to the victim, or on the victims' behalf, upon submission of an itemized statement for legal services provided and approved by the Hearing Officer.
 - C. Attorney fees may be paid only to the extent claim balance funds are available at the time such fees are requested and must be approved by a Hearing Officer as provided in NRS 217.140. Attorney fees paid will be charged against the claim as a claim cost.
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