

RULES AND REGULATIONS

FORMER	PRESENT (in effect for crimes occurring on or after 8/27/02 - §411.1)
Who are considered “Proper authorities”?	
Law enforcement. Filing a PFA is also considered reporting to proper authorities.	“Proper authorities may include a law enforcement officer; district attorney or other applicable prosecutorial authority; district justice; military police; campus police; U.S. Postal Inspection Service; appropriate hospital security; probation and parole officer; child protective services; adult protective services; or, in the case of a PFA order, the prothonotary or equivalent authority. If the crime occurs in a foreign country, a proper authority includes the United States consulate.” §411.11(f)(1)
How long is a claim with undetermined eligibility kept open?	
Placed in in-active status indefinitely	“If sufficient information is not provided to OVS to determine eligibility within 2 years from the date of the filing of the claim, the claim will be closed with no further right of appeal. OVS will attempt to notify the claimant in writing 6 months prior to the closing of the claim.” §411.13(c)
How long is a claim with no verifiable out-of-pocket expense or loss (received by OVS) kept open?	
Placed in in-active status indefinitely	“Eligible claims where no verifiable out-of-pocket expense or loss has been received by OVS within 5 years from the date of the filing of the claim will be closed with no further right of appeal. OVS will attempt to notify the claimant in writing 6 months prior to the closing of the claim.” Please note that this “does not apply in cases where the direct victim was a minor at the time the crime was committed.” §411.13(d)(e)
Who receives notification of award decisions?	
The claimant, State Treasurer, court personnel, victim advocate and claimant’s attorney of record.	“OVS will promptly notify the claimant of its determination in writing. OVS may also send a copy of the determination to all appropriate individuals, including the State Treasurer, court personnel, the prosecutor of the county where the crime occurred, victim advocate or the claimant’s attorney of record.” Prosecutors will <u>not</u> be notified in claims where a protection from abuse order was filed. §411.14(c)
What actions may result in a denial or contribution assessment?	
<ol style="list-style-type: none"> 1) “Initiated, provoked or prolonged a physical or verbal confrontation” 2) “Participated in illegal activity that caused the crime” 3) Direct victim or intervenor “used poor judgment resulting in the placement of the direct victim or intervenor into a situation likely to result in injury.” 	<ol style="list-style-type: none"> (1) Initiated, provoked or prolonged a verbal or physical confrontation with the offender. (2) Participated in an illegal act that was causally related to the injuries sustained. (3) Acted in a manner that placed the direct victim or intervenor into a situation likely to result in injury. (4) Entered, knowingly and willingly a vehicle driven by someone under the influence. (5) Sought retaliation against the offender. (6) Entered into a physical altercation by mutual consent. (7) Charged by law enforcement with criminal conduct as a result of the crime.” §411.15(a)

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What cooperation is required from claimants?	
An award may be denied or withdrawn if the claimant has not fully cooperated with law enforcement, the courts, and VCAP, unless good cause exists.	<p>“OVS may deny a claim or reduce the amount awarded or require repayment of a prior award if it finds that a direct victim, intervenor or claimant has not cooperated fully with law enforcement agencies or OVS. Failure to cooperate shall include one or more of the following:</p> <ol style="list-style-type: none"> (1) Failure to cooperate fully with a law enforcement agency in the investigation of the crime on which the claim is based. (2) Failure to cooperate fully in the prosecution of the alleged offender of the crime on which the claim is based. (3) Failure to provide truthful, complete and accurate information for OVS to determine the eligibility or validity of a claim or amount of an award. (4) In crimes involving stolen or defrauded money, failure to implement personal crime prevention techniques recommended by the local police department, victim service program or crime prevention programs at OVS’s request when crimes are similar in nature and repeated.” <p style="text-align: right;">§411.15(f)</p>
Does VCAP pay for the notice of the time and place of funeral/burial services?	
No	Yes <p style="text-align: right;">§411.16(e), §411.42(c)(1)(xii)</p>
At what amount are bids required for higher priced medical equipment or services?	
\$1,000	<p>“Medical, rehabilitation, or other devices, including wheel chairs, chair lifts, ramps, van conversion equipment, therapy spas, or special needs home remodeling that exceeds \$5,000 will need to have two bids unless good cause is shown. OVS will pay the lowest amount unless good cause is shown justifying the higher amount.”</p> <p style="text-align: right;">§411.16(g)</p>
At what amount does VCAP provide assistance in purchasing higher priced medical equipment or services?	
\$10,000	<p>“If the direct victim or intervenor has no financial means to order the needed services or equipment that exceed \$5,000 listed [in above question], OVS will assist the claimant by evaluating the claim prior to purchase and make information available to the potential providers.”</p> <p style="text-align: right;">§411.16(h)</p>
What are justifications for filing an appeal past the 30-day limit?	
Not defined	<p>“OVS may consider a delay past the prescribed time period to be justified when one of the following circumstances exist:</p> <ol style="list-style-type: none"> (i) The direct victim, intervenor or the claimant is mentally or physically incapacitated. (ii) Other circumstances where good cause is shown by the claimant.” <p style="text-align: right;">§411.31(b), §411.32(d)</p>

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Who must be provided a list of witnesses and documentary exhibits for appeal hearings?	
Hearing examiner and OVS counsel	Only needs to be provided to OVS §411.32(i)
Can an appeal hearing be rescheduled more than once?	
No	Yes, if “OVS deems it necessary.” §411.32(k)
Are claimants able to subpoena for witnesses or documentary evidence in appeals?	
Not specified	The attorney representing OVS or the claimant may subpoena for attendance of witnesses or for production of documentary evidence. Upon a showing of relevancy and materiality, the hearing officer may issue subpoenas for both the OVS and the claimant for attendance of witnesses or for the production of documentary evidence. §411.32(l)(m)(n), §411.12(c)
What are the maximums for replacement of canes and walkers?	
\$1,000 per cane or walker	\$100 per cane and \$250 per walker. §411.42(d)(3)(4)
What is the daily maximum for vehicle rentals?	
\$50	\$30 §411.42(f)(1)(iv), §411.42(g)(4)
For trauma resulting from a homicide how many days of LOE can be paid?	
Up to one week (minus any time used to make funeral arrangements and/or accompanying the deceased) can be paid to one eligible claimant.	Changed to two weeks (minus any time used to make funeral arrangements and/or accompanying the deceased) and paid to all eligible claimants. Employer verification is still required. §411.43(c)
Who is prohibited from seeking reimbursement from a victim or the victim’s family?	
Not specified	“(a) Providers who write off bills to a direct victim or intervenor may not at any point following the write off seek reimbursement from OVS, direct victim, claimant or intervenor. (b) A funeral director who assumes the obligation to pay for funeral expenses may not seek reimbursement from the direct victim or intervenor’s family. (c) A person who assumes the obligation for crime scene clean up may not seek reimbursement from the direct victim or intervenor's family.” §411.53(a)(b)(c)

RULES AND REGULATIONS

DEFINITIONS (§411.2)

Term	Definition	Found in...
Dependent Child	<p>“The child of a direct victim or intervenor on whose behalf regular payments are received for the purpose of whole or partial support and who is one of the following:</p> <ul style="list-style-type: none"> (i) Under 18 years of age, including an unborn child for the purposes of this chapter only as defined by 18 Pa.C.S. §3203 (relating to definitions). (ii) Eighteen years of age or older but under twenty-three years of age and currently attending secondary school or is a full-time student in a post-secondary educational institution. (iii) Eighteen years of age or older but unable to provide for his own support due to a physical or mental disability.” 	§411.44(e)(1)
Health care provider	<ul style="list-style-type: none"> (i) An individual authorized by a licensing board or agency of the Commonwealth or equivalent governmental entity to practice the science and skill of diagnosis and treatment of ailments of the human body. (ii) The term includes medical doctor, osteopathic physician, chiropractor, dentist, registered nurse, optometrist, pharmacist, physical therapist, podiatrist, psychologist, licensed professional counselor and licensed social worker.” 	§411.3(a)(6), §411.12(e), §411.42(b)(1), §411.42(b)(2)(i), §411.42(i)(1)
Human services provider	“Social workers, children and youth caseworkers, Area Agency on Aging, victim service providers (system and community based advocates), and other social service professionals, including mental health, substance abuse, and medical social work.”	§411.11(k)(7)(iii), §411.42(f)(2)
Immediate need	“Thirty days from the date of the crime or thirty days from the date the victim is threatened by any change of circumstance or indicator of danger and a move or relocation is necessary to become or remain safe.”	§411.11(k)(7)(iii), §411.42(f), §411.42(f)(2), §411.42(f)(3)
Pigeon drop	“The act of approaching a person and asking that person if he would like to share an amount of found money. In order to share the money, the person shows a good faith effort by willingly providing a specified amount of money with the expectation of receiving a part of the “found” money.”	§411.15(e)
Private residence	“Includes a house, apartment, condominium, mobile home, or other personal living space.”	§411.41(3), §411.42(h), §411.42(h)(2)

* The above definitions are in effect for crimes occurring on or after 8/27/02 (§411.1)