

Kansas Administrative Regulations

Crime Victims Compensation Board

Article 2.—Claims

20-2-3. Mental health counseling award.

Each mental health counseling award shall be subject to the limitations specified in this regulation.

(a) Any victim of a crime may be considered for up to a \$5,000 mental health counseling award.

(1) A standard treatment plan based on this limit shall be approved by the board.

(2) Compensation beyond the \$5,000 maximum for mental health counseling may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician.

(3) The award for a mental health evaluation shall not exceed \$350, which may be in addition to the \$5,000 maximum. For purposes of this paragraph, mental health evaluation shall mean a diagnostic interview examination, including history, mental status, or disposition, that is administered in order to determine a plan of mental health treatment.

(b) Each victim by reason of family grief may be considered for up to a \$1,500 grief therapy award. Compensation beyond the \$1,500 maximum may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician.

(c) If the mental health treatment plan for a victim requires that others, not including the offender, be involved in treatment, costs for third-party mental health counseling may be compensable up to the \$5,000 maximum, if the third-party mental health counseling is directly and beneficially related to the plan for treatment of the victim. Mental health counseling involving a third party shall not be compensable unless both of the following conditions are met:

(1) The primary victim is present in the mental health counseling sessions, or the focus of the treatment is to assist in the victim's recovery.

(2) The mental health treatment plan addresses the need for third-party mental health counseling.

(d) Compensable mental health counseling may be provided in either of the following:

(1) A medical or psychiatric setting under the supervision of a medical doctor or a psychiatrist licensed or registered by the Kansas board of healing arts or comparable governmental agencies in other jurisdictions having similar licensure or registration requirements. The costs of this mental health counseling incurred during inpatient treatment shall be applied toward the maximum claim for inpatient treatment; or

(2) a nonmedical setting by an individual licensed or registered by the Kansas behavioral sciences regulatory board, the Kansas board of healing arts, or comparable governmental agencies in other jurisdictions having similar licensure or registration requirements, if the mental health counseling falls within the professional parameters of the provider's license or registration.

(e) Compensation for inpatient hospitalization shall be considered only if the condition is life-threatening and the hospitalization has been recommended by the victim's physician or mental health counseling provider. Reimbursement for each instance of inpatient treatment and care shall not exceed the cost of treatment for a period of 10 days or \$10,000, whichever is less. Compensation beyond the \$10,000 maximum may be awarded if the board finds that extenuating circumstances justify this action and this action is supported by information, reports, or a mental health treatment plan and by recommendations of a mental health counseling provider or physician.

(f) The following limits on mental health counseling rates shall apply to outpatient mental health counseling:

- (1) Individual and family mental health counseling
in a nonmedical setting \$90 per hour
- (2) Group therapy \$60 per hour

These rates shall apply to individuals performing treatment. Compensation shall not be awarded to pay the costs of persons supervising treatment.

(g) If it is apparent from the treatment plan that the treatment is addressing issues not directly related to the crime, only that portion of the treatment that is addressing the victimization shall be compensable.

(h) Compensation for mental health counseling shall be based on the version of this regulation that was in effect when the service was provided.

(Authorized by K.S.A. 74-7304; implementing K.S.A. 2012 Supp. 74-7301; effective Nov. 15, 1993; amended Jan. 10, 2014.)

***** Authenticated Kansas Administrative Regulation *****