

**California Victim Compensation and Government Claims Board**  
**Open Meeting Minutes**  
**September 19, 2013, Board Meeting**

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Marybel Batjer, Secretary, Government Operations Agency, at 400 R Street, Sacramento, California, on Thursday, September 19, 2013, at 10:01 a.m. Also present was Board member Richard Chivaro, Chief Counsel, acting for and in the absence of John Chiang, Controller, and Board member Michael Ramos, San Bernardino County District Attorney.

Board staff present included Julie Nauman, Executive Officer; Kathy Cruz, Chief Deputy Executive Officer; and Wayne Strumpfer, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

**Item 1. Approval of Minutes of the August 15, 2013, Board Meeting**

The Board approved the minutes of the August 15, 2013, Board meeting.

**Item 2. Public Comment**

The Board opened the meeting for public comment. No public comment was offered.

**Item 3. Executive Officer's Statement**

**CalVCP Awarded Federal Grant**

In the summer of 2013, CalVCP applied for a grant from the United States Department of Justice, Office for Victims of Crime (OVC). CalVCP was awarded the grant by OVC for funding under its Fiscal Year 2013 Crime Victim Compensation Program Initiative. There were approximately 17 applications and CalVCP received the largest of three awards given to compensation programs across the country. The purpose of the initiative is to provide funding to develop promising practices, models, or programs designed to enhance access and innovation in the administration of crime victim compensation programs at the state level.

OVC will provide CalVCP with funding over the course of three years to catalyze innovation and enhance crime victims' access to crime victim compensation funding in the 21<sup>st</sup> century. CalVCP's project will generate promising practices that may be replicated by other state crime victim compensation programs in the future. CalVCP intends to define and implement innovative strategies to reach underserved victims of crime.

CalVCP was awarded \$250,000 for year one of the three-year grant program. The grant money will be made available on October 1, 2013, and the first year report is due in the December 2013/January 2014 timeframe. Executive Officer Nauman stated that CalVCP would like to enter into an interagency agreement with the University of California, Berkeley, Chief Justice Earl Warren Institute (Institute) on Law and Social Policy, in the amount of \$245,440.00 to conduct fieldwork, as specified in CalVCP's application. Ms. Nauman explained that CalVCP would like to enter into the agreement with UCB as quickly as possible so that the Institute can begin work the first week in October 2013 when the grant money becomes available. Due to a timing issue, Executive Officer Nauman requested the Board delegate to her the authority to enter into the agreement with UCB rather than wait to seek Board approval at the October 17, 2013, Board meeting.

The Board granted Executive Officer Nauman authority to enter into the agreement with UCB in order for the Institute to begin the research in a timely manner.

Chairperson Batjer congratulated CalVCP for being awarded such a competitive award. She asked Executive Officer Nauman when she anticipated the final product would be completed.

Executive Officer Nauman explained that the OVC grant is a three-year program. OVC awarded the grants on an annual basis and continuation of funding for the second and three years is dependent

upon CalVCP's performance and availability of funding; however, Ms. Nauman stated that she was confident that CalVCP would perform to OVC's expectations during the first year. Thereafter, CalVCP would seek year two funding, which would be an award in the amount of \$250,000 and year three funding that would be an additional \$250,000. Phase one is a one-year period for needs assessment and planning. The objectives for Phase one are to identify gaps in access to the victim compensation program; identify and collect core baseline measures of program operations; design a plan for implementing innovative programs, policies, or practices that will address identified gaps; and develop a plan for evaluating outcomes of the proposed innovation. Phase two of the project will be implementation of the strategies, which could be a mobile app, translation of documents, or other types of outreach techniques and strategies to reach underserved communities. Phase three, will be an evaluation. CalVCP will go back in the field to see if innovations implemented in year two are actually resulting in more access to the CalVCP, which will define the success of the program.

### **Deadline Extended for the Trauma Recovery Center Grant Program**

As part of the Governor's FY 2013-14 Budget, the VCGCB was directed to make \$2 million in grants available per year from the Restitution Fund to a trauma recovery center or centers that provide comprehensive services to victims of crime. Executive Officer Nauman explained that the VCGCB originally targeted a mid-September 2013 due date for the applications; however, due to the enormous amount of interest in the new grant program, the VCGCB extended the deadline to October 17, 2013. Ms. Nauman explained that after the applications are received, they would be ranked and scored by staff. It is anticipated that staff would provide funding recommendations to the Board in November 2013 rather than at the October 17, 2013, meeting as previously reported last month.

### **2013 California State Employee Charitable Campaign (CSECC)**

On September 17<sup>th</sup> the VCGCB held a Charity Fair with guest speakers to kick off CSECC. Executive Officer Nauman presented a slideshow of the event, which included pictures of Bodie, a retired K-9 officer who was injured in the line of duty last year while he and his handler were led on a high-speed chase. The suspect fired multiple rounds towards Bodie and the officer, striking Bodie in the face and paw. Bodie underwent several surgeries and is thriving as his handler's home companion now. Executive Officer Nauman reported that staff has a number of upcoming events to support CSECC including the VCGCB's annual cake auction and chili cook-off as well as an antiques roadshow. Proceeds from all events will directly benefit local charities.

### **Item 4. Legislative Update**

Jon Myers, Deputy Executive Officer, Legislation and Public Affairs Division, reported the following:

AB 235 (Gatto), the VCGCB's first Government Claims Bill of 2013, which appropriates \$1,080,580.70 to pay 343 claims approved by the Board from May 2012 through December 2012, has been chaptered.

SB 369 (De Leon), the VCGCB's second Government Claims Bill of 2013, which appropriates \$414,054.01 to pay 155 claims approved by the Board from January 2013 through April 2013, is on the Governor's desk awaiting signature.

SB 60 (Wright), the bill that expands eligibility for the Victim Compensation Program by adding victims of human trafficking to those eligible for compensation when only emotional injury has occurred, has been chaptered.

SB 618 (Leno) makes changes to the process by which VCGCB considers claims for the compensation of erroneously convicted individuals of \$100 per day of incarceration. The provisions include setting timeframes for the consideration of a claim, removing the requirement that claimants

prove they did not contribute to their own arrests or convictions, requiring a recommendation to pay without a hearing when a court has made specified findings on innocence, and changes to conform to public safety realignment. The bill has been enrolled.

SB 384 (Gaines) reopens eligibility for the California Memorial Scholarship Program, which provided scholarships to dependents of California resident victims of the September 11<sup>th</sup> attacks. It requires VCGCB to identify all persons who are eligible for scholarships and to notify them of their eligibility by July 1, 2014. It requires that eligible participants execute participation agreements by July 1, 2015. The bill moved through the Senate; however, it did not make it out of the Senate and has now become a two-year bill.

**Item 5. Government Claims Program  
Consent Agenda (Nos. 1-437)**

The Board adopted the staff recommendations for item numbers 1-437, with the following exceptions: item numbers 122 and 141 were continued for further review by staff and item number 346 was removed to allow the claimant an opportunity to address the Board at the October 17, 2013, meeting.

**Item 6. Claim of Total Renal Care, Inc.  
Claim Number G610387**

Michael Winsten was in attendance on behalf of Total Renal Care, Inc.

Nicholas Wagner, Government Claims Program Manager, explained that Total Renal Care, Inc. requested compensation in the amount of \$435,480.00 from the California Department of State Hospitals for unpaid invoices. Mr. Wagner stated that Government Claims Program staff recommended that the Board allow the claim in the amount of \$435,480.00 under authority of Government Code section 965 (agency pay).

The Board allowed the claim in the amount of \$435,480.00.

**Item 7. Claim of Tuff Shed, Inc.  
Claim Number G612265**

John Shipley was in attendance on behalf of the Department of Forestry and Fire Protection.

Nicholas Wagner, Government Claims Program Manager, explained that Tuff Shed, Inc. requested compensation in the amount of \$80,594.96 from the California Department of Forestry and Fire Protection for unpaid invoices. Mr. Wagner stated that Government Claims Program staff recommended that the Board allow the claim in the amount of \$80,594.96 under authority of Government Code section 965 (agency pay).

The Board allowed the claim in the amount of \$80,594.96.

**Item 8. Applications for Discharge From Accountability for Collection**

The item was removed from the agenda.

**Item 9. Request for Authority to Begin the Rulemaking Process for the California Code of Regulations (title 2, §§ 630, 631, 632, 632.5, 632.6, 632.7, 632.8, 632.9, 632.10, 632.11, 633, 633.5, 633.6, 633.7, 633.8, 633.9, 633.10, 633.11, 633.12, and 633.13)**

Nicholas Wagner, Government Claims Program Manager, explained that Government Claims Program (GCP) staff proposed new and amended regulations to implement the GCP because the current regulations, which were last revised in 1977, contain outdated language and do not reflect numerous statutory changes or current claim processing procedures. Mr. Wagner stated that GCP

staff requested that the Board authorize initiation of the rulemaking process with the proposed regulation changes, which includes a public comment period, final approval by the Board, and submission to the Office of Administrative Law.

The Board authorized GCP staff to begin the rulemaking process for the California Code of Regulations (title 2, §§ 630, 631, 632, 632.5, 632.6, 632.7, 632.8, 632.9, 632.10, 632.11, 633, 633.5, 633.6, 633.7, 633.8, 633.9, 633.10, 633.11, 633.12, and 633.13).

### **Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 10:23 a.m.

### **Proposal to Remove Physical and Occupational Therapy Benefits from the Complementary and Alternative Medicines (CAM) Category for CalVCP Claimants**

Mindy Fox, Deputy Executive Officer, Victim Compensation Program and Government Claims Program, explained that in February 2011, the Board approved combining physical and occupational therapy treatment under the Complementary and Alternative Medicines (CAM) category. Because of this change, physical and occupational therapy sessions were limited to a combined total of five and required a physician's recommendation for additional sessions, up to a maximum of 20 sessions. Prior to the change there was no restriction for physical and occupational therapies; however, the treatment had to be ordered by a physician. This change has caused unintentional consequences including the limiting of needed long-term therapy for seriously injured victims of crime. Ms. Fox requested the Board remove physical and occupational therapy from the Complementary and Alternative Medicines (CAM) category, with no session restriction, as long as the treatment is ordered by a physician.

The Board removed physical and occupation therapy from the CAM Category, with no session restriction, as long as a physician orders the treatment.

### **Victim Compensation Program**

#### **Closed Session**

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 10:25 a.m. to deliberate on proposed decision numbers 1-126.

#### **Open Session**

The Board reconvened into open session at 10:34 a.m. The Board adopted the proposed decisions for numbers 1-126, with the exception of Number 41 (A12-4021622), which was referred back to staff.

The Board meeting adjourned at 10:36 a.m.