

CHAPTER 7505
DEPARTMENT OF PUBLIC SAFETY
CRIME VICTIMS REPARATIONS BOARD
HEARING PROCEDURES

7505.0100 DEFINITIONS.
 7505.0200 PURPOSE.
 7505.0300 LEGAL REPRESENTATION.
 7505.0400 COMMENCEMENT OF CLAIM.
 7505.0600 SCOPE OF DISCOVERY.
 7505.0700 COOPERATION WITH BOARD,
 ASSIGNMENT, SUBROGATION.

7505.1900 DISQUALIFICATION BY
 PREJUDICE.
 7505.2600 CRIMINAL PROSECUTION.
 7505.2700 TREATMENT PLANS.
 7505.2800 BOARD DETERMINATION OF
 REASONABLENESS.
 7505.2900 CONTRIBUTORY MISCONDUCT.
 7505.3000 CLAIMS PRORATING.

7505.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Crime Victims Reparations Board.

Subp. 3. **Party.** "Party" means any claimant.

Subp. 4. [Repealed by amendment, 13 SR 661]

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: 13 SR 661

7505.0200 PURPOSE.

This chapter is intended to assure that no person before this board shall have his or her rights, privileges, or duties determined without regard to fundamental fairness.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: 13 SR 661

7505.0300 LEGAL REPRESENTATION.

Any claimant, or any party in a contested case, may be represented by counsel throughout any proceedings before the board.

Statutory Authority: *MS s 611A.56*

7505.0400 COMMENCEMENT OF CLAIM.

A claim shall be deemed to have been commenced upon receipt by the board of a claim form completed and signed by a claimant or the claimant's representative.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: 13 SR 661

7505.0500 [Repealed, 13 SR 661]**7505.0600 SCOPE OF DISCOVERY.**

Subpart 1. **Information obtainable.** Pursuant to the investigation of a claim, the board may obtain from the claimant and other persons all information reasonably related to the validity of the claim, including but not limited to information relating to the following subjects:

A. the occurrence of a crime;

B. the extent of the claimant's economic loss;

C. the extent to which collateral sources are available to the claimant;

D. the extent to which the claimant, or the victim through whom he claims, has cooperated with law enforcement officials; and

E. the extent to which the claimant, or the victim through whom he claims, has been guilty of contributory misconduct.

Subp. 2. **Subpoena.** In the course of an investigation the board may issue subpoenas for the appearance of witnesses or for the production of books, records, or other documents or initiate such other discovery proceedings as by law are allowed.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.0700 COOPERATION WITH BOARD, ASSIGNMENT, SUBROGATION.

Failure by a claimant or claimant's representative to complete forms, or otherwise to cooperate with the board's investigation, may constitute a ground for denial of a claim.

The claimant shall assign his or her rights to recover benefits or advantages from any source which is, or if readily available to the claimant would be, a collateral source and which is not deducted from the final award; provided that the assignment shall not exceed the amount of the final award. The claimant shall further agree to cooperate fully with the board in any subrogation action brought by the board or the claimant.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.0800 [Repealed, 13 SR 661]

7505.0900 [Repealed, 13 SR 661]

7505.1000 [Repealed, 13 SR 661]

7505.1100 [Repealed, 13 SR 661]

7505.1200 [Repealed, 13 SR 661]

7505.1300 [Repealed, 13 SR 661]

7505.1400 [Repealed, 13 SR 661]

7505.1500 [Repealed, 13 SR 661]

7505.1600 [Repealed, 13 SR 661]

7505.1700 [Repealed, 13 SR 661]

7505.1800 [Repealed, 13 SR 661]

7505.1900 DISQUALIFICATION BY PREJUDICE.

A hearing officer or any board member shall withdraw from participation in a contested case at any time prior to the final determination if he or she deems himself or herself disqualified for any reason. Upon the filing in good faith of a timely and sufficient petition of prejudice the hearing officer shall determine the matter as a part of the record and decision in the case. A withdrawal must be noted in the minutes of the board's monthly meetings.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.2000 [Repealed, 13 SR 661]

7505.2100 [Repealed, 13 SR 661]

7505.2200 [Repealed, 13 SR 661]

7505.2300 [Repealed, 13 SR 661]

7505.2400 [Repealed, 13 SR 661]

7505.2500 [Repealed, 13 SR 661]

7505.2600 CRIMINAL PROSECUTION.

Nothing contained in this chapter is intended to preempt or repeal the board's power to suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent.

Statutory Authority: *MS s 611A.56*

7505.2700 TREATMENT PLANS.

Subpart 1. Applicability. The board, in order to evaluate the reasonableness of treatment provided claimants, shall require suppliers of mental health, physical therapy, chiropractic, medical, and home care services to submit treatment plans before consideration of their charges as a part of a reparations claim when the following time and charges standards apply:

A. if mental health treatment is likely to continue longer than six months after the date the claim is filed and the cost of the additional treatment will exceed \$1,500, or if the total cost of treatment in any case will exceed \$4,000;

B. if physical therapy treatment is likely to continue longer than three months after the date the claim is filed and the cost of additional treatment will exceed \$800, or if the total cost of treatment in any case will exceed \$1,500;

C. if chiropractic treatment is likely to continue longer than three months after the date the claim is filed and the cost of additional treatment will exceed \$1,000, or if the total cost of treatment in any case will exceed \$1,800;

D. if medical treatment for a single condition or injuries resulting from a single incident is likely to continue longer than three months after the date of injury and the cost of additional treatment will exceed \$2,500, or if the total cost of treatment in any case will exceed \$4,000; or

E. if licensed home care service, as defined in Minnesota Statutes, section 144A.43, if more than five home visits in total have been or will be delivered, regardless of cost.

The board may request treatment plans for other services provided to the victim if the total cost of the service exceeds \$500.

Subp. 2. Treatment plan contents. Treatment plans must include, but not be limited to, information concerning the date treatment began and the actual or expected date of termination, the diagnosis of record, measurable treatment goals, and the proposed method for treatment including measurable outcomes, information regarding preexisting conditions, and prognosis.

Subp. 3. Submission procedures. Forms for the submission of treatment plans must be provided by the board. Forms will be supplied at the time the board requests certification of charges for treatment provided a claimant. Suppliers shall submit treatment plans, where required by subpart 1, at the time the certificate is returned to the board.

Subp. 4. Treatment plan updates. Treatment plans must be revised to reflect current treatment status after the first six months of treatment for which the board has provided compensation and quarterly after that. The board may withhold or deny benefits for failure to submit revisions as required in this subpart.

Subp. 5. Board action. The board may use treatment plans to aid in the determination of reasonableness of care, and may grant or deny compensation for a specific service based upon information submitted in a treatment plan. The board may also request a provider of services to revise or restate information provided in order to meet the board's requirements for compensation.

Subp. 6. **Extension beyond termination dates.** If treatment is likely to continue more than 30 days beyond the projected date of termination submitted in the treatment plan, the provider is responsible for submitting a new treatment plan and a revised termination date. A revision must be considered by the board at its regular monthly meeting. No compensation must be authorized for services rendered more than 30 days beyond a projected termination date without board approval of an extension.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.2800 BOARD DETERMINATION OF REASONABLENESS.

Subpart 1. **Board consideration.** The board, in determining reasonableness, shall consider any and all of the following relative to a specific claim, or to a claim for compensation for a specific service:

- A. quantity of service proposed or provided;
- B. time span and duration of actual or proposed service;
- C. adherence of service provider to professional standards, with consideration to ethnic and cultural needs of a claimant;
- D. progress of treatment against standards presented to the board in the professional treatment plan, where a plan has been submitted;
- E. relationship of provider to claimant; and
- F. possible consequences of denial or reparations.

Subp. 2. **Utilization review.** Where the board is unable, due to multiple caregivers or complex treatment issues, to determine reasonableness, it may use the services of outside experts to assist in a determination. This review shall include, but is not limited to:

- A. review of clinical records;
- B. submission of a questionnaire to the claimant to elicit specific information; and
- C. interview or examination of the claimant.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.2900 CONTRIBUTORY MISCONDUCT.

The board shall reduce, by a minimum of 25 percent, any claim submitted by or on behalf of a person who the board finds has engaged in any of the following acts or behavior that contributed to the injury for which the claim is filed:

- A. used fighting words, obscene or threatening gestures, or other provocation;
- B. knowingly and willingly been in a vehicle operated by a person who is under the influence of alcohol or a controlled substance;
- C. consumed alcohol or other mood altering substances; or
- D. failed to retreat or withdraw from a situation where an option to do so was readily available.

Any of these provisions may be waived in cases of domestic abuse or sexual assault.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*

7505.3000 CLAIMS PRORATING.

Subpart 1. **Designation of monthly allotment.** Total annual appropriations, grants, and other funds designated for the payment of claims, excluding an annually determined set aside for emergency funds, must be equally divided among

MINNESOTA RULES 1991

7411

HEARING PROCEDURES 7505.3000

each month of the fiscal year. The resulting amount is designated the "monthly reparations allotment."

Subp. 2. Requests in excess of monthly allotment. If the monthly reparations allotment minus any awards granted on an emergency basis during the 30 days preceding the month in question is less than the total dollar amount of reparations claims eligible for payment in that month, the board shall pay only a portion of each claim approved that month.

Subp. 3. Payment ratio. The payment ratio shall equal the monthly reparations allotment minus any emergency awards granted in the preceding month divided by the total dollar amount of reparations awards eligible for payment in that month.

Subp. 4. Excess allotment. Where the amount of reparations awarded during a specific month equals less than the monthly allotment, any excess will be carried forward to the next month and added to the monthly allotment for that period.

Subp. 5. Claim filing. The payment ratio of the month in which the claim or supplementary claim is approved is the payment ratio which governs the claim or supplementary claim.

Statutory Authority: *MS s 611A.56 subd 1 para (b)*

History: *13 SR 661*