



Arizona Criminal Justice Commission

Notice of Public Meeting of the Victim Compensation State Level Claim Review Panel and Agenda

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the **Victim Compensation State Level Claim Review Panel** and to the general public that the **Victim Compensation State level Claim Review Panel** will hold a meeting open to the public on **Monday, December 7, 2015** beginning at **10:30 a.m.** at the **Arizona Criminal Justice Commission Office, 1110 W. Washington, Suite 230, Phoenix, Arizona 85007.**

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Criminal Justice Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission Office at (602) 364-1146. Requests should be made as early as possible to allow time to arrange the accommodation.

The Panel may go into Executive Session on any of the following agenda items for the purposes of receiving legal advice pursuant to A.R.S. 38-431.03(A)(3).

Agenda for the meeting is as follows:

- I. Call to Order / Roll Call** **Vernie Bruehler**
State Level Claim Review Panel Members:
Larry Grubbs, Chairperson, ACJC Crime Victim Services Program Manager
Kirsten Flores, Attorney General's Office of Victim Services
Alexander Alvarez, Victim Compensation Board Chair for Coconino County
- II. Minutes of the September 30, 2014 Meeting** **P-F-T**
Approval of minutes.
- III. Introduction of State Level Claim Review Process** **Vernie Bruehler**
Review and discussion of State Level Claim Review process
- IV. Maricopa County Claim VC2014-021729** **P-F-T**
Review, discussion, consideration and possible action on Maricopa County Claim VC2014-021729

V. Call to the Public

Those wishing to address the Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

VI. Date, Time, and Location of Next Meeting

The next State Level Claim Review Panel meeting will be held at the call of the Chairperson.

VII. Adjournment

A copy of the agenda background material provided to the Panel members is available for public inspection at the Arizona Criminal Justice Commission Office, 1110 West Washington, Suite 230, Phoenix, Arizona 85007, (602) 364-1146. This document is available in alternative formats by contacting the Commission Office.

Arizona Criminal Justice Commission
Victim Compensation State-Level Claim Review Panel
Minutes
September 30, 2014

A public meeting of the Victim Compensation State-Level Claim Review Panel was convened on September 30, 2014 at 1110 W. Washington, Suite 230, Phoenix, AZ 85007.

Members Present:

Larry Grubbs, Chairperson, Crime Victims Service Program Manager, Arizona Criminal Justice Commission
Kirstin Flores, Arizona Attorney General's Office of Victim Services
Doug Rader, Board Chairperson, Yavapai County Victim Compensation Board, by conference call

Compensation Program Staff Present:

Vanessa Helms, Pima County Victim Compensation Coordinator, by conference call
Amy Bocks, Pima County Victim Compensation Board Member, by conference call

Staff Participating:

Michelle Neitch, Program Coordinator

I. Call to Order and Roll Call

The meeting was called to order by Michelle Neitch, Program Coordinator at 9:01 a.m. Roll was taken and a quorum was declared present.

II. Minutes of the May 28, 2014 Meeting

Chairperson Grubbs called for a motion on the minutes. Doug Rader entered a motion to approve the minutes of the May 28, 2014 meeting. The motion was seconded by Kirstin Flores and was unanimously approved.

III. Introduction of State Level Claim Review Process

Michelle Neitch, Program Coordinator read the Victim Compensation Program Rule R10-4-110, which outlined the State Level Claim Review Process.

IV. Pima County Claim 10-06-29-5698

Michelle Neitch, Program Coordinator presented the State Level Claim Review (SLCR) Panel with a summary of the claim documents and board action related to the claim submitted to the Pima County Crime Victim Compensation Board.

Ms. Neitch provided an overview claim packet that included five sections.

Section I consisted of the summary of the board documentation related to the claim. The claimant's request for a state level claim review dated August 27, 2014 was received on time.

Section II contained the summary of the crime which included the total payment by the Pima County Crime Victim Compensation Board to date.

Section III provided specific information about the denial. The denial was for medical/prescription expenses calculated by the Pima County Crime Victim Compensation Program in the amount of \$1,075.54. The board originally denied the claim on June 19, 2014 under program rule (R10-4-106.A.2) The Board shall make a compensation award only if it determines that: The criminally injurious conduct directly resulted in the victim's physical injury or medical condition; and (R10-4-108C.1) The board shall make a compensation award only for the following: Reasonable and customary medical expenses due to the victim's physical injury, medical condition or death.

Ms. Neitch stated the board believed there was not a connection between the injuries sustained and the claimant's treatment for heroin addiction; therefore, the board upheld the decision for denial of the claim again on July 31, 2014. Between the two meetings, the board received a call from the physician's office stating that after the victimization the victim was prescribed pain killers; became addicted, and began to use heroin, which he indicated was the same opioid compound as the pain killer. The board discussed the likelihood that the claimant would become addicted after one prescription of oxycodone; and even if that were the case, it would not necessarily be a conclusion that the claimant would purchase and use an illegal drug.

Ms. Neitch reviewed Section IV that summarized the Pima County Crime Victim Compensation Board's action. In 2010, the board approved the prescription for oxycodone. In December 2012, the board received the treatment plan from psychiatrist stating the claimant had developed an addiction to pain medications received from injuries as a direct result of the crime. The doctor also prescribed the denied prescription suboxone in this claim. In late 2013, the

claimant began an outpatient rehabilitation program with a different physician, who indicated the addiction was for heroin. The board received a request for the drug rehabilitation program and additional expenses for the suboxone prescription.

Section V is the summary of documents that were provided by the board that included: the police narrative dated July 14, 2014; claim board hearings and board minutes from June 19, 2014; denial letter dated June 25, 2014; claim board hearings and board minutes from July 31, 2014; denial letter dated August 5, 2014; and claimant e-mail requesting the SLCR on August 27, 2014.

Chairperson Grubbs stated the purpose of the meeting was to review the decision that the board made related to the denial and asked if there were any questions.

Kirstin Flores supported the claimant on receiving the treatment for the addiction; however, she understood the board's decision on the denial; that, it was not a forgone conclusion that the claimant would use and become addicted to heroin after taking the pain medication. The rule states payment would be made to items that are a direct result of the criminal act. Doug Rader agreed with Ms. Flores comments; in which, there was no link to place the crime to the heroin use.

Chairperson Grubbs summarized there were concerns the claimant expressed; mainly about the decision of the board that may have been related to the fact, the board had allowed payment for the treatment. Until it was understood from the physician, the treatment was focused on the heroin addiction and was not a direct result of the criminal injury.

After review and discussion, Doug Rader entered a motion to uphold the board's decision to deny the claim. The motion was seconded by Kirstin Flores and it was unanimously approved.

V. Call to the Public

Chairperson Grubbs made a call to the public. No other member of the public addressed the Panel.

VI. Date, Time and Location of the Next Meeting

The next State Level Claim Review Panel meeting will be held at the call of the Chairperson.

VII. Adjournment

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,



John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.