



Office of
Victim Services

New York State Office of Victim Services - Emergency Awards

June 2016

Introduction

- If a claimant feels that he/she is experiencing undue hardship as a result of a crime and needs an award immediately, he/she can request an emergency award (EA). In order to approve an EA, OVS must find that an award would likely be made in the claimant's case and that undue hardship would result if immediate payment were not made.
- EAs are **only** granted ***before services have been rendered and/or paid for*** otherwise, a regular claim must be filed. EAs are not granted for reimbursement.
- This presentation will discuss the various EAs that OVS provides, the documentation required for each one and how you, the Advocate, can facilitate the process.

The Office of Victim Services grants emergency awards for the following expenses:

- Funeral
- HIV Medication for Sexual Assault
- Prescription Drugs
- Moving/Storage/Relocation
- Loss of Earnings
- Lock Replacement or Security System Installation
- Eyeglasses/Contacts/Emergency Medical Equipment



For All EA Requests

Advocates must provide:

- Claimants photo ID. If the claimant does not have a photo ID, then request two forms of non-photo ID at least one bearing a signature.
- Police precinct and complaint number or a copy of police report or an OVS acceptable equivalent (FRE proof, etc.).
- The Detective or Police Officer in charge of investigation, their name and phone number.

Funeral EA Requests

- Itemized funeral contract signed by the claimant. The liability section must be signed by the claimant.
- Provider's Tax ID#.
- Copy of the Death Certificate (if available).
 - OVS will pay up to \$2,500 on an emergency award towards a funeral. If the funeral costs are less than \$2,500, OVS will pay the full amount up to \$2,500.
 - If Contributory Conduct is suspected after interviewing law enforcement, OVS may deny the EA request.



If a homicide takes place at work

- If the homicide takes place at work, then the family of the deceased may be eligible for certain compensation from Workers' Compensation Board (WC). This might include funeral expenses.
- The maximum funeral benefit from WC is \$6,000 in Metropolitan New York counties and up to \$5,000 in all others. As a result, OVS does not award emergency assistance for funeral expenses unless the costs exceed \$6,000 in NYC and \$5,000 in all other counties. If the funeral cost exceed these maximums, OVS can pay the exceeding amount on an emergency basis.



HIV/Antibiotics/Pain/Other Medication EA Requests

- Copy of prescription or equivalent proof that claimant has been prescribed the requested medication; either from the pharmacy or medical provider and contain the following: victim's name, medication name, name of the medical provider and the date prescribed (*ex: a call to pharmacy to confirm the electronic transmission of the prescription would be proof*).
- Cost estimate from pharmacy including the Store Number, Tax ID#, telephone number and contact person.
- Criminal Justice Agency report information or proof* of completed FRE exam

EA application for HIV/PEP medications, cont'd

*Acceptable documentary proof may include:

1. Proof a rape kit was used:
 - Sexual Assault form or
 - Authorization for Release of Information and Evidence to Law Enforcement Authorities form (*both found in the rape kit*).
2. If no rape kit was used but a forensic examination was performed:
 - Provide proof of the completion of the examination **and**
 - A diagnosis of a sexual assault (in medical record).
3. A letter from the medical professional who performed the FRE indicating:
 - a sexual assault kit was completed **or**
 - a forensic exam was completed and a diagnosis of sexual assault was made.

EA application for HIV/PEP medications, cont'd

- *A medical provider's claim form for direct reimbursement under the FRE Direct reimbursement program will **not** be acceptable proof for this purpose.*



Sexual Assaults That Take Place on the Job

- Claimants who are sexually assaulted at the workplace, may be eligible for applicable Workers' Compensation benefits. However, Workers' Compensation does not provide emergency assistance for HIV prophylactic medication. Therefore, a victim who is sexually assaulted at work is eligible to request an emergency award from OVS.
- It should be explained that the claimant is expected to apply for WC for these expenses and if awarded will be required to reimburse OVS for the Emergency Award.

Relocation/Moving/Storage EA Requests

- An estimate from the selected provider.
- Tax ID # of all providers.
- A written statement from DA/ADA or licensed treating counselor or treating physician indicating the necessity of the relocation/storage.
- Exact address of the victims destination on the Change of Address Form, signed by the claimant.
- A contract from the moving/storage provider signed by claimant as responsible party must be provided as soon as available. If the contract is not received prior to decision, the EA may need to be returned.

Loss of Earning EA Requests

Must be out of work for at least **two weeks** in order to apply for an EA.

- Employment Questionnaire or if self employed, a copy of federal tax return filed the year before the crime occurred (Including Schedule C).
- 3 to 6 paystubs.
- Signed doctor's statement indicating nature of injury, diagnosis, prognosis, and a time period of disability (as exact as possible).
- Disability Benefits or Workers' Compensation Final decision.



Lock Replacement/Security Systems EA Requests

Security Device EAs **only** cover the **hardware and installation** cost, **not** the **recurring monthly fees**

- Renters: provide a notarized statement from the landlord indicating tenant's responsibility.
- A written statement from DA/ADA or licensed treating counselor or treating physician indicating the necessity.
- If cost exceed \$500, two (2) estimates from reputable companies are required. If less than \$500, only one estimate.
- Tax ID # of all providers.
- Estimates should indicate the name and address of the victim.



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Eyeglasses/Contacts/Emergency Medical Equipment Replacement EA Requests

- Medical Records or doctor's note is required to determine causal relation of the emergency medical item.
- Itemized estimate for replacement.
- Insurance information.
- Verification of insurance benefits for the emergency medical item.
- If reimbursement is above \$500. A doctor's note is required on the medical necessity of the specialized item or feature of the emergency medical item.



Eyeglasses/Contacts/Emergency Medical Equipment Replacement EA Requests, cont'd

- Please note OVS does not provide Emergency Awards for medical/dental appointments, surgeries, etc.
- An advocate can obtain a claim number through VSP and give it to the provider. Then advise the provider that the victim has an open claim with OVS. **While no award has been made or guaranteed**, the provider can choose to render services while awaiting OVS' decision.

How you can assist us with the EA process

- Please refrain from promising a claimant or a provider that an award will be paid or *is guaranteed* unless you have been advised by OVS. Every claim is judged on its own merit.
- **Be aware that an EA can take several days to process and advise the claimants and providers.** Law Enforcement must be contacted and depending upon his/her schedule, the process may be delayed.
- **Keep in mind OVS is a last resort payer.** Find out if a claimant has insurance, *including Medicaid* and advise them to use it before filing the EA. Claimants may have insurance and not be aware. Children up to the age of 26 *may* be covered under their parents insurance. A claimant may believe their insurance is cancelled, when in fact it is active.

How you can assist us with the EA process, cont'd

- **Help obtain the correct documents/ information for the claimant.**
 - Find out what Detective is assigned and his/her schedule.
 - Make sure signatures are not missing from the documents.
 - Obtain the tax-IDs for providers and find out if they accept Visa payments over the phone; etc.
- **Submit a complete EA packet.** When an incomplete EA request is submitted it cannot be presented for an award.
- **OVS does not “pre-book” or “pre-approve” EAs for relocation assistance.** Please apply for the relocation EA when the claimant is actually ready to move. Emergency Awards are to be processed as an **immediate need**.

Important Notes

- Contact OVS Intake requesting the emergency award ONLY after you have provided all of the necessary documentation to process the EA per previous slides.
- For EA's ONLY, contact Claims Intake via:
 - Email: ea@ovs.ny.gov
 - Fax: (518) 402-0921
- The above email and fax are the only ones monitored regularly for EAs.

In Closing..

- The **last** thing OVS wants to do is make an EA and later find out the claimant was ineligible.
- OVS **MUST** request the return of any over or improper payment, but would prefer to keep that to a minimum.