



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
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**MEMORANDUM**

DATE: February 24, 2011

TO: Ms. Barbara Brown, Executive Director  
Victims' Compensation Assistance Program

FROM: Daniese McMullin-Powell, <sup>DMP/kit</sup> Chairperson  
State Council for Persons with Disabilities

RE: 14 DE Reg. 771 [VCAP Proposed Payment of Mental Health Claims Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Victims' Compensation Assistance Program (VCAP) proposal to adopt a regulation covering standards for payment of mental health assessment and counseling. The proposed regulation was published as 14 DE Reg. 771 in the February 1, 2011 issue of the Register of Regulations. As background, in November 2010, the VCAP issued a proposed regulation establishing standards for payment of medical claims. The SCPD endorsed the proposed regulation. The VCAP acknowledged the endorsements of the medical claims regulation and adopted a conforming final regulation in January 2011 [14 DE Reg. 666 (January 1, 2011)]. The VCAP is now proposing to adopt standards regarding mental health assessment and counseling identical to its medical claims regulation.

SCPD endorses the proposed regulation since it is straightforward and easy to understand. Moreover, its rate of compensation (80% of the usual and customary charge), compared to insurance, Medicaid, and Medicare, is fair. Finally, it includes sufficient protection from balance billing to the victim and third parties.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed regulation.

cc: Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council