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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 2, 2020

Elizabeth Cronin, Esq.
Director
Office of Victim Services
Alfred E. Smith Building
80 S. Swan St., Second Floor
Albany, NY 12210

Re: Controls Over Selected Expenditures
Report 2020-F-16

Dear Ms. Cronin:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Office of Victim Services to implement the recommendation contained in our audit report *Controls Over Selected Expenditures* (Report [2017-S-72](#)), issued September 4, 2018.

Background, Scope, and Objective

The Office of Victim Services' (OVS) mission is to provide compensation to innocent victims of crime and their families in a timely, efficient, and compassionate manner; to fund direct services to crime victims through a network of community-based Victim Assistance Programs (VAPs); and to advocate for the rights and benefits of all innocent crime victims. OVS is led by a Director who is appointed by the Executive. A 20-member advisory council assists in forming policies addressing the problems of crime victims and provides recommendations to the Director to improve service delivery to victims. OVS has 90 employees at its offices in Albany and Brooklyn.

To be eligible for compensation, claimants must generally be either an innocent crime victim or a dependent relative; must report the crime within one week; file a claim within one year of the crime; and cooperate with police, the district attorney's office, and OVS. OVS is a payer of last resort, and therefore claimants must exhaust all other sources of compensation before it pays for their crime-related losses. Covered items may include medical expenses, replacement of stolen items, and lost earnings. OVS also awards grants to VAPs that serve crime victims and assists sexual assault survivors by directly reimbursing State-licensed providers for forensic rape examination (FRE) services.

OVS receives State funding from the Criminal Justice Improvement Account and federal funding for compensation and grants from the Crime Victims Fund, which was established by the Victims of Crime Act of 1984. During the State Fiscal Year ended March 31, 2020, OVS awarded 228 grants totaling \$281.3 million to 198 VAPs; paid \$21.9 million for 9,711 claims

covering personal injury, death, essential personal property, and FREs; and approved \$977,134 for 425 emergency awards.

The FRE Direct Reimbursement Program is designed to ensure that sexual assault survivors are not billed for FRE services. OVS reimburses the provider if a survivor does not have health insurance, or opts not to use it, to maintain survivor privacy. To be reimbursed, providers must file a claim, including an itemized bill for services, within one year of the service. Legislation that took effect June 15, 2020 changed the FRE service reimbursement structure from an \$800 maximum to a tiered structure that, depending on survivor age and services provided (such as an HIV prophylaxis regimen), may reach \$2,500.

Our initial audit report found that OVS' controls generally ensure that its expenditures for crime victim compensation claims, VAP grants, and FRE claims were made only to eligible victims and providers for eligible victim services. We identified minor discrepancies in OVS' verification of FRE provider licenses.

The objective of our follow-up review was to assess the extent of implementation, as of July 28, 2020, of the one recommendation from our initial audit report.

Summary Conclusions and Status of Audit Recommendation

We found that OVS has implemented the recommendation from our initial audit report.

Follow-Up Observations

Recommendation 1

Implement a risk-based approach to verify and validate FRE provider licenses on submitted claims.

Status – Implemented

Agency Action – Since our initial audit, OVS implemented a risk-based method to verify and validate FRE providers' licenses on claims submitted to the FRE Direct Reimbursement Program, and has issued guidance to staff on how to search and validate provider licenses. The verification involves reviewing and validating provider license numbers on every tenth claim originally submitted, and also on claims that are rejected and resubmitted. We reviewed documentation for a judgmental sample of 15 claims from January 2020 and found that OVS had verified the licenses for all 15 and that the information from each of the claims matched the results from the license verification search. OVS officials stated that they are automating the FRE reimbursement process and enhancing the software to include verification of all FRE provider licenses.

Major contributors to this report were Ann Marsh, Theresa Nellis-Matson, and Jessica Strizzi.

We thank the management and staff of the Office of Victim Services for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Sharon L. Salembier, CPA, CFE
Audit Manager

cc: Division of the Budget