

**Directive 368.01 Waiver Of Offenders Fees For Contracted Intervention Services**

**STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
DEPARTMENT OF CORRECTIONS**

**Directive: 368.01**

**Subject:** Waiver Of Offenders Fees For Contracted Intervention Services

**Effective Date:** August 1, 2002 **Review and Re-Issue Date:**

**Supersedes:** 9/9/96 **APA Rule Number:**

<b>Recommended for approval by:</b>		<b>Authorized By:</b>	
_____	_____	_____	_____
<b>Signature</b>	<b>Date</b>	<b>Signature</b>	<b>Date</b>

**1. Authority:**

**1.1** 28 VSA subsection 102 (c)(1)

**2. Purpose:**

**2.1** To ensure that offenders in Department of Corrections' risk management programs reimburse the providers for contracted intervention services they receive, there by helping to relieve the Vermont tax payer from that burden. To ensure that offenders who lack financial resources to fully reimburse providers in cash for intervention services received, they perform work service that benefits the community to complete their obligation.

**2.2** To ensure that contractual agreements with providers will reflect an offender's ability to have his/her program fee waived when they lack financial resources.

**3. Applicability/Accessibility**

**3.1** All individuals and groups affected by the operations of the Department of Corrections may have a copy of this Directive.

**4. Directive**

**4.1** Offenders who receive contracted intervention services as part of participation in DOC risk management programs in the community must pay for a portion of those services unless they are identified as a hardship case.

**4.2** Hardship Cases:

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**4.2.1** CRSU Supervisors or CCSC Superintendents may reduce the amount the offender pays for service if he/she believes that making full payment for the service poses an unusual hardship on the offender and or his/her family. The Department of Corrections' Financial Form (see Policy 426) shall be utilized as a guideline in making this determination. In the case of hardship, the offender may work off the balance by working without salary on a community service team, where resources allow, or by working without a salary on a volunteer basis at a DOC-approved non-profit or Government agency. If allowed this option, offenders may earn payment credit at Vermont's existing hourly minimum wage. When the manager or supervisor authorizes a reduction in the rate for hardship, they will ensure that the service provider is notified of the reduction.

### **4.2.1.1 Guidelines for allowing offender to work off payment:**

**4.2.1.1.1** All offenders should make some cash payment for intervention services. Work should never be substituted entirely for cash payment.

**4.2.1.1.2** Preference is to have offenders pay for their services to the fullest extent possible within their means.

**4.2.1.1.3** All waivers of program fees should be documented contractually with the offender.

### **4.2.1.2 Wavier of work requirement for offenders with hardship:**

**4.2.1.2.1** CRSU Supervisors/Managers or CCSC Superintendents may temporarily or permanently waive an offender's participation in community work service crews or volunteer community work service for offenders who are disabled or who cannot perform the work safely. Unless the qualifying disabilities are apparent, it is preferable that the offender present a physician's certificate to substantiate a disability or a safety-related physical condition.

**4.2.2** CCSC Superintendents or CRSU Managers/Supervisors will develop local procedures to implement this directive.

## **4.3 Contractors**

**4.3.1** Contractors who deliver intervention services in field based risk management programs under contract with the Department will collect offender fees for the service they provide. They will send itemized bills for services to the Department. These bills must:

**4.3.1.1** Identify the charge for the services provided.

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**4.3.1.2** List the clients served, dates of service, the amount the offender is required to pay and the amount each client paid during the billing period.

**4.3.1.3** Deduct the amount received from the client from the Department's bill.

**4.3.2** The Director of Clinical Services will determine the hourly rate the Department will pay for intervention services in each risk management program. When negotiating contracts with service providers, managers will not exceed that rate of reimbursement unless they believe that unusual economic or financial factors exist which requires them to do 'so.

### **4.4 Client Payment**

**4.4.1** Each Correctional Program will establish it's own payment requirements. An offender is required to pay for only one contracted service at a time.

### **4.5 Staff Role**

**4.5.1** Managers/Supervisors of CCSCs and CRSUs will establish procedures to ensure that DOC staff enforce the requirement for offenders to pay for intervention services or work them off on either a community service team or through volunteer work for a non-profit or government agency.

### **4.6 Intervention Providers Not Under Contract with the Department:**

**4.6.1** For intervention services provided to offenders in DOC risk management program by providers not under contract with the Department, two conditions will be in effect:

**4.6.1.1** The Department will not enforce payment rates beyond the standards set for the program

**4.6.1.2** Offenders will not have the option to work off payment for the service.

**4.6.2** Agreements will exist between the Department and service providers who do not have contracts with the Department which will set the standards of reporting offender participation and completion, documentation of service and offender payment.

## **5. Training Method**

**5.1** Superintendents will be trained at a monthly meeting by the Director of Domestic Violence and Women Services. It is the responsibility of Superintendents at facility and field sites to ensure that all CSS staff are fully trained in the application of this directive.

## **6. Quality Assurance Processes**

**6.1** The Director of Quality Assurance will conduct audits of this directive at each CCSC Correctional Program Audit. The Director will identify and report compliance issues and report to the Director of Correctional Services.

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**7. Financial Impact:**

**8. References**

Not applicable.

**9. Responsible Director and Draft Participants**

Jill Evans, Director of Domestic Violence, Women Offenders and Family Services. .

**DIRECTIVE**