

**TITLE 2. ADMINISTRATION  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 1. CALIFORNIA VICTIM COMPENSATION BOARD  
ARTICLE 2.5 GENERAL HEARING PROCEDURES  
SECTIONS 615.2, 617.1, 617.4, 617.5, 617.6, 617.7, 617.8, 617.9, 619.4 & 619.5  
ARTICLE 5.2 HEARINGS FOR INDEMNIFICATION OF CITIZENS BENEFITTING THE  
PUBLIC AND INDEMNIFICATION OF VICTIMS OF CRIMES  
SECTIONS 647.3, 647.4, 647.20, 647.20.1, 647.21, 647.22,  
647.25, 647.26, 647.30 & 647.31  
ARTICLE 5.6. INDEMNIFICATION OF VICTIMS OF CRIME  
SECTIONS 649, 649.8, 649.32, 649.33, 649.41 & 649.48**

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS 649, 649.8,  
649.32

Notice Published October 3, 2025

In response to comments received from the public, the California Victim Compensation Board (CalVCB) is providing notice of modifications to previously proposed regulations in Title 2, Article 5.6, Sections 649, 649.8, and 649.32 of the California Code of Regulations. These proposed modifications generally concern the substantive requirements for victim compensation claims seeking income loss or emergency award. Pursuant to Government Code section 11346.8, subdivision (c), and California Code of Regulations, section 44 of Title 1, CalVCB is providing this notice of modification to proposed section 649, subdivision (a), 649.8, subdivision (c), and 649.32, new subdivision (c).

On January 16, 2025, the Board approved commencement of the rulemaking process to amend ten regulations governing general hearing procedures for all claims (i.e., Title 2, Article 2.5, Sections 615.2, 617.1, 617.4, 617.5, 617.6, 617.7, 617.8, 617.9, 619.4, and 619.5) and ten regulations that govern hearing procedures for victim compensation claims specifically (i.e., Title 2, Article 5.2, Sections 647.3, 647.4, 647.20, 647.20.1, 647.21, 647.22, 647.25, 647.26, 647.30 and 647.31), as well as six substantive regulations governing victim compensation including income and support loss claims (i.e., Article 5.6, Sections 649, 649.8, 649.32, 649.33, 649.41 and 649.48). Combined, the modifications applied to a total of 26 regulations located in three different articles.

On February 15, 2024, CalVCB posted the documents concerning this proposed rulemaking action on its website located at <https://victims.ca.gov/board/proposed-regulations/>. That same day, CalVCB sent, via US Mail and/or email, a copy of these documents to all persons whom CalVCB believes to be interested in the proposed regulatory action, as well as all persons who previously submitted a request for notice of CalVCB's regulatory actions. The public comment period concluded 45-days later, on April 2, 2025. Numerous comments were submitted by various stakeholders and there was a request for a public hearing. On May 27, 2025, CalVCB published a Notice of Public Hearing scheduled for June 16, 2025, on its website. On June 16, 2025, a public hearing was held, and members of the public provided several additional comments at the hearing.

After the Public Hearing, CalVCB reviewed all the comments that had been submitted by members of the public and various stakeholder groups. After careful consideration, CalVCB determined that modifications were warranted for three proposed regulations located in Article 5.6 concerning income and support loss claims. Specifically, substantive modifications to section 649, subdivision (a), and 649.8, subdivision (c), were necessary to revert to some portions of the original text in the regulation. Additionally, CalVCB determined that section 649.32 subdivision (c) needed further substantive and sufficiently related modifications by inserting a new subsection (1)(B) with subsections (i) and (ii) to clarify the requirements to prove income loss due to time missed from work for mental health or medical appointments, and by revising subsection (2)(C) to clarify the requirements for out-of-state providers. Finally, CalVCB determined that no modifications were warranted for the remaining 23 proposed regulations in Articles 2.5, 5.2, and 5.6.

The purpose of this notice is to inform the public of the proposed modifications and open a 15-day public comment period, running from October 3, 2025, through October 20, 2025. Consistent with the Administrative Procedure Act, CalVCB will only address comments received during this additional comment period concerning modifications to the text of the proposed regulations.

Details on how to submit comments are provided below. A copy of the full proposed regulations text, including these modifications, is attached to this Notice.

## SUMMARY OF PROPOSED MODIFICATIONS

CalVCB proposes to modify text in sections 649, 649.8 and 649.32 as shown below. Additions and deletions from the original rulemaking proposal are shown in single underline and single strikethrough, respectively. Modifications to add text appear in double underline, and modifications to delete text appear in double strikethrough.

In the Final Statement of Reasons, CalVCB will respond to all comments received during the comment periods for the original proposed regulations and modifications.

### **2 CCR 649(a)(18)(B)**

(B) All forms of public and private assistance paid to, or on behalf of, the victim, the victim's survivors, or derivative victim, including Medi-Cal, Social Security Disability Insurance (SSDI), State Disability Insurance (SDI), workers' compensation, and Medicare, ~~CalFresh, and CalWORKs.~~

### **2 CCR 649.8(c)**

(c) An emergency award may be allowed when it is necessary to avoid or mitigate a substantial hardship to the applicant ~~victim or derivative victim~~ that is the direct result of the qualifying crime, and the Board has no reason to believe the applicant will be ineligible for compensation. Substantial hardship ~~shall include the following:~~ means an inability to meet the immediate needs of the applicant ~~victim or derivative victim~~, which may include but is not limited to an immediate need for assistance with:

- (1) ~~The inability to provide for the necessities of life, including but not limited to shelter, food, medical care, or personal safety, without the emergency award.~~
- (2) ~~The inability to pay for funeral and burial expenses; and or crime scene cleaning expenses without the emergency award.~~
- (3) Crime scene cleaning expenses as described in Government Code section 13957, subdivision (a)(9).

## 2 CCR 649.32(c)

(c) ~~Income loss includes, but is not limited to, time lost from work for medical or mental health appointments necessary as a direct result of the qualifying crime.~~ Disability Statements.

(1) General Requirements.

(A) When the victim is disabled as a direct result of the qualifying crime and unable to work, either short-term or long-term, the Board must receive a disability statement that meets all of the following criteria:

- (i) Signed by a licensed medical or mental health provider who treated the victim's injuries or disabilities that were a direct result of the qualifying crime (treating provider).
- (ii) Must contain sufficient information to verify that the disability period is a direct result of the crime-related injury, or the direct result of an exacerbation of a pre-existing condition and shall include the information identified in subdivision (c)(3).
- (iii) A disability statement is only valid for six months, except when the treating provider certifies that the disability is permanent and the victim has reached the point in the healing process when they are not expected to further improve with generally accepted medical treatment.

(B) Requests for income loss due to time lost from work for intermittent or periodic mental health or medical appointments do not require a disability statement. Acceptable documentation for income loss due to mental health or medical appointments includes:

- (i) Evidence of time missed from work, which may include a timesheet that confirms time missed from work, check stubs showing the loss of income due to time missed, or a statement from the employer that demonstrates time was missed; and
- (ii) Documentary evidence that corresponds to the time missed from work from the medical or mental health provider showing the date and time of the appointment and that it was an appointment to treat the physical and/or emotional injuries resulting from the qualifying crime.

(2) Acceptable Providers.

(A) Physical Injuries. For physical injuries, the disability statement must be signed by one of the following providers: medical doctor, physician assistant, nurse practitioner, osteopath, optometrist, dentist, podiatrist, or chiropractor. A chiropractor's disability statement shall

only be accepted for the period of time the chiropractor is providing treatment. Diagnosing the victim's disability must be within the scope of the treating provider's licensure.

(B) Emotional Injuries. For emotional injuries with a disability period of up to six months, the disability statement must be signed by one of the following providers: licensed social worker, licensed marriage family therapist, licensed clinical psychologist, psychiatrist, physician assistant, or nurse practitioner. When the total disability period lasts beyond six months, any new disability statements submitted in support of a longer disability period must be signed by a licensed clinical psychologist or psychiatrist. Diagnosing the victim's disability must be within the scope of the treating provider's licensure.

(C) Out-of-State Providers. Disability statements submitted by out-of-state health care providers are acceptable if the medical or mental health provider's licensure is comparable ~~equivalent~~ to the licensure of one of the authorized California medical or mental health providers as identified in subdivisions (c)(2)(A) and (2)(B). Their licensure must be valid under the governing authority regulating the provider's practice in the state or country where the service is provided at the time the service was provided.

## PURPOSE AND NECESSITY FOR MODIFICATION

### **2 CCR 649(a)(18)(B)**

#### Purpose

The purpose of the modification of Section 649(a)(18)(B), is to eliminate erroneous inclusion of CalFresh and CalWorks from the list of public and private assistance that may be considered as a reimbursement source. This substantive modification is in response to feedback from commentators indicating that CalFresh typically provides supplemental government resources. In fact, CalFresh is a resource that provides supplemental food assistance for low-income individuals and families. CalWorks similarly provides food, housing and other assistance meant to supplement low-income families with children with services, cash aid, and necessities such as housing, food, and utilities. Neither of these programs replace earned income. They should, therefore, not be considered a reimbursement source for lost income or support.

### Necessity

This modification is necessary to remove government programs that provide supplemental resources to low-income earners from consideration for victim compensation claims because they are not an actual reimbursement source for lost income.

## **2 CCR 649.8(c)**

### Purpose

The purpose of the modification to Section 649.8, subdivision (c) is to revert back to the use of the term “applicant” in place of the revision that inserted “victim or derivative victim” in place of the term “applicant.” This modification is in response to a comment that using the terms “victim or derivative victim” limits the people who may apply for emergency awards and excludes legally liable applicants who also may request and qualify for an emergency award.

### Necessity

This modification is necessary to ensure that an applicant, who may be financially responsible for immediate costs, but who does not qualify as a victim or derivative victim of the qualifying crime, can request and receive an emergency award.

## **2CCR 649.32(c)(1)(B)(i) and (ii)**

### Purpose

The purpose of the modification to Section 649.32, subdivisions (c)(1)(B)(i) and (ii), is to respond to a comment that questioned whether a disability statement would be required to receive reimbursement for lost income due to missing time from work for mental health or medical appointments. CalVCB determined that the original revisions to Section 649.32, subdivision (c)(1) were ambiguous regarding this scenario and further clarification was needed. Adding a subsection (B) to clarify that income lost due to time missed from work for medical or mental health appointments does not require a disability statement but does require documentary evidence of the time missed from work resulting in a loss of income. Subsection (B)(i) was added to articulate the type of documentary evidence required to verify the time missed from work. Subsection (B)(ii) was added to outline the corresponding documentary evidence from the

medical or mental health provider that may be submitted to substantiate that the time was missed for an appointment related to the injuries caused by the qualifying crime.

### Necessity

This substantive modification is necessary to clarify that a disability statement is not needed to verify income lost due to time missed from work for medical or mental health appointments. It now clarifies that evidence of income loss must be verified by documentation from the employer for time missed from work, and that corresponding evidence must be provided from the medical or mental health appointment that the time missed from work was for a mental health or medical appointment to treat an injury directly related to the qualifying crime.

## **2 CCR 649.32 (c)(2)(C)**

### Purpose

The purpose of the modification to subdivision (c)(2)(C) is to clarify that out of state or other country medical and mental health providers are acceptable providers as long as they are validly licensed for one of the enumerated occupations listed in (c)(2)(A) or (B) by the authority that governs their practice in the jurisdiction where their services were provided.

### Necessity

This modification is necessary to ensure that applicants who receive medical or mental health services out of state and are eligible for income loss may have an out of state or out of country provider certify the disability as long as that provider is validly licensed in the state or country where they provided or are providing services to the applicant.

### WRITTEN COMMENT PERIOD

Any interested individual, or their authorized representative, may submit written comments regarding the modifications set forth above to the proposed regulations in Sections 649, 649.8, 649.32. The written comment period closes on October 20, 2025. CalVCB will consider only comments received at its office by that date. Comments may be submitted by regular mail to:



---

California Victim Compensation Board  
Attn: Neil Ennes, Legislative Coordinator  
P.O. Box 48  
Sacramento, CA 95812-0048

Comments may also be submitted via email to [regulations@victims.ca.gov](mailto:regulations@victims.ca.gov) or by facsimile at (916) 491-6441 (FAX).

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of all documents related to this rulemaking can be accessed via CalVCB's website at <https://victims.ca.gov/board/proposed-regulations/>.