

**63M-7-511 Compensable losses and amounts.**

A reparations award under this chapter may be made if:

- (1) the reparations officer finds the claim satisfies the requirements for the award under the provisions of this chapter and the rules of the board;
- (2) money is available in the fund;
- (3) the person for whom the award of reparations is to be paid is otherwise eligible under this part; and
- (4) the claim is for an allowable expense incurred by the victim, as follows:
  - (a) reasonable and necessary charges incurred for products, services, and accommodations;
  - (b) inpatient and outpatient medical treatment and physical therapy, subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (c) mental health counseling which:
    - (i) is set forth in a mental health treatment plan which has been approved prior to any payment by a reparations officer; and
    - (ii) qualifies within any further rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (d) actual loss of past earnings and anticipated loss of future earnings because of a death or disability resulting from the personal injury at a rate not to exceed 66-2/3% of the person's weekly gross salary or wages or the maximum amount allowed under the state workers' compensation statute;
  - (e) care of minor children enabling a victim or spouse of a victim, but not both of them, to continue gainful employment at a rate per child per week as determined under rules established by the board;
  - (f) funeral and burial expenses for death caused by the criminally injurious conduct, subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (g) loss of support to the dependent or dependents not otherwise compensated for a pecuniary loss for personal injury, for as long as the dependence would have existed had the victim survived, at a rate not to exceed 66-2/3% of the person's weekly salary or wages or the maximum amount allowed under the state workers' compensation statute, whichever is less;
  - (h) personal property necessary and essential to the health or safety of the victim as defined by rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (i) medical examinations as defined in Section 63M-7-502, subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may allow for exemptions from Sections 63M-7-509, 63M-7-512, and 63M-7-513.

Amended by Chapter 342, 2011 General Session