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HOUSE BILL 2640

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Dickerson, Kagi, Simpson, Kenney, Appleton,  
Goodman, and Ormsby

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Public Safety & Emergency Preparedness.

1            AN ACT Relating to benefits for mental health services under the  
2 crime victims' compensation program; amending RCW 7.68.130; adding a  
3 new section to chapter 74.09 RCW; and adding a new section to chapter  
4 48.43 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 74.09 RCW  
7 to read as follows:

8            (1) If a victim injured as a result of a criminal act has been  
9 qualified for receiving benefits for mental health services under the  
10 crime victims' compensation program under chapter 7.68 RCW, the person  
11 may continue to receive appropriate mental health services from his or  
12 her current mental health treatment provider after becoming eligible  
13 for medical assistance or medical care services under this chapter.  
14 The treatment provider must be licensed or certified and in good  
15 standing under Title 18 RCW.

16            (2) Initial payment for mental health services provided in  
17 subsection (1) of this section shall be paid to the provider by the  
18 crime victims' compensation program under chapter 7.68 RCW. The

1 department shall reimburse the crime victims' compensation program as  
2 provided in subsection (3) of this section.

3 (3) If the injured victim in subsection (1) of this section is a  
4 medicaid assistance client, and federal financial participation is not  
5 available, the department shall reimburse the crime victims'  
6 compensation program with state funds only to assist in providing  
7 continuity of mental health treatment to the victim. Reimbursement  
8 shall be set at the applicable medical assistance or medical care  
9 services payment rate.

10 **Sec. 2.** RCW 7.68.130 and 1995 c 33 s 3 are each amended to read as  
11 follows:

12 (1) Benefits payable pursuant to this chapter shall be reduced by  
13 the amount of any other public or private insurance available, less a  
14 proportionate share of reasonable attorneys' fees and costs, if any,  
15 incurred by the victim in obtaining recovery from the insurer.  
16 Calculation of a proportionate share of attorneys' fees and costs shall  
17 be made under the formula established in RCW 51.24.060. The department  
18 or the victim may require court approval of costs and attorneys' fees  
19 or may petition a court for determination of the reasonableness of  
20 costs and attorneys' fees.

21 (2) Benefits payable after 1980 to victims injured or killed before  
22 1980 shall be reduced by any other public or private insurance  
23 including but not limited to social security.

24 (3) Payment by the department under this chapter shall be secondary  
25 to other insurance benefits, notwithstanding the provision of any  
26 contract or coverage to the contrary. In the case of private life  
27 insurance proceeds, the first forty thousand dollars of the proceeds  
28 shall not be considered for purposes of any reduction in benefits.

29 (4) The crime victims' compensation program shall be the primary  
30 payer for mental health services provided to a medical assistance or  
31 medical care services client, or to a privately insured individual, if  
32 that client is a crime victim who qualifies for mental health treatment  
33 under this chapter and has established a relationship with a treatment  
34 provider prior to obtaining medical assistance, medical care services  
35 benefits, or private health insurance coverage. The program shall  
36 receive full reimbursement under sections 1 and 3 of this act.

1       (5) For the purposes of this section, the collection methods  
2 available under RCW 7.68.125(4) apply.

3       NEW SECTION.   **Sec. 3.** A new section is added to chapter 48.43 RCW  
4 to read as follows:

5       (1) A victim injured as a result of a criminal act under chapter  
6 7.68 RCW who has been qualified for receiving benefits for mental  
7 health services and who has an established relationship with a  
8 treatment provider may continue to receive appropriate mental health  
9 services from his or her current mental health treatment provider. The  
10 treatment provider must be licensed or certified and in good standing  
11 under Title 18 RCW.

12       (2) Initial payment for mental health services provided in  
13 subsection (1) of this section shall be paid by the crime victims'  
14 compensation program under chapter 7.68 RCW. Each carrier shall  
15 reimburse the crime victims' compensation program for services rendered  
16 based upon the carrier's reimbursement rate for such mental health  
17 services under the health plan in which the individual is enrolled.  
18 Reimbursement to the crime victims' compensation program shall be made  
19 within forty-five days of receiving a claim from the crime victims'  
20 compensation program within the department of labor and industries.

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