

SHB 1739 - H AMD 258

By Representative Goodman

ADOPTED 03/06/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 7.68.020 and 2011 c 346 s 101 are each amended to  
4 read as follows:

5 The following words and phrases as used in this chapter have the  
6 meanings set forth in this section unless the context otherwise  
7 requires.

8 (1) "Accredited school" means a school or course of instruction  
9 which is:

10 (a) Approved by the state superintendent of public instruction,  
11 the state board of education, or the state board for community and  
12 technical colleges; or

13 (b) Regulated or licensed as to course content by any agency of  
14 the state or under any occupational licensing act of the state, or  
15 recognized by the apprenticeship council under an agreement  
16 registered with the apprenticeship council pursuant to chapter 49.04  
17 RCW.

18 (2) "Average monthly wage" means the average annual wage as  
19 determined under RCW 50.04.355 as now or hereafter amended divided by  
20 twelve.

21 (3) "Beneficiary" means a husband, wife, registered domestic  
22 partner, or child of a victim in whom shall vest a right to receive  
23 payment under this chapter, except that a husband or wife of an  
24 injured victim, living separate and apart in a state of abandonment,  
25 regardless of the party responsible therefor, for more than one year  
26 at the time of the injury or subsequently, shall not be a  
27 beneficiary. A spouse who has lived separate and apart from the other  
28 spouse for the period of two years and who has not, during that time,  
29 received or attempted by process of law to collect funds for  
30 maintenance, shall be deemed living in a state of abandonment.

31 (4) "Child" means every natural born child, posthumous child,  
32 stepchild, child legally adopted prior to the injury, child born

1 after the injury where conception occurred prior to the injury, and  
2 dependent child in the legal custody and control of the victim, all  
3 while under the age of eighteen years, or under the age of twenty-  
4 three years while permanently enrolled as a full-time student in an  
5 accredited school, and over the age of eighteen years if the child is  
6 a dependent as a result of a physical, mental, or sensory handicap.

7 (5) "Consumer price index" means the consumer price index  
8 compiled by the bureau of labor statistics, United States department  
9 of labor for the state of Washington. If the bureau of labor  
10 statistics develops more than one consumer price index for areas  
11 within the state, the index covering the greatest number of people,  
12 covering areas exclusively within the boundaries of the state, and  
13 including all items must be used.

14 (6) "Criminal act" means an act committed or attempted in this  
15 state which is: (a) Punishable as a federal offense that is  
16 comparable to a felony or gross misdemeanor in this state; (b)  
17 punishable as a felony or gross misdemeanor under the laws of this  
18 state; (c) an act committed outside the state of Washington against a  
19 resident of the state of Washington which would be compensable had it  
20 occurred inside this state and the crime occurred in a state which  
21 does not have a crime victims' compensation program, for which the  
22 victim is eligible as set forth in the Washington compensation law;  
23 or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does  
24 not include the following:

25 (i) The operation of a motor vehicle, motorcycle, train, boat, or  
26 aircraft in violation of law unless:

27 (A) The injury or death was intentionally inflicted;

28 (B) The operation thereof was part of the commission of another  
29 nonvehicular criminal act as defined in this section;

30 (C) The death or injury was the result of the operation of a  
31 motor vehicle after July 24, 1983, and one of the following applies:

32 (I) A preponderance of the evidence establishes that the death  
33 was the result of vehicular homicide under RCW 46.61.520(~~(-)~~);

34 (II) The victim submits a copy of a certificate of probable cause  
35 filed by the prosecutor stating that a vehicular assault under RCW  
36 46.61.522 occurred;

37 (III) Charges have been filed against the defendant for vehicular  
38 assault under RCW 46.61.522;

39 (IV) A conviction of vehicular assault under RCW 46.61.522(~~(-)~~)  
40 has been obtained(~~(-)~~); or

1       (V) In cases where a probable criminal defendant has died in  
2       perpetration of vehicular assault or, in cases where the perpetrator  
3       of the vehicular assault is unascertainable because he or she left  
4       the scene of the accident in violation of RCW 46.52.020 or, because  
5       of physical or mental infirmity or disability the perpetrator is  
6       incapable of standing trial for vehicular assault, the department  
7       may, by a preponderance of the evidence, establish that a vehicular  
8       assault had been committed and authorize benefits;

9       (D) The injury or death was caused by a driver in violation of  
10      RCW 46.61.502; or

11      (E) The injury or death was caused by a driver in violation of  
12      RCW 46.61.655(7)(a), failure to secure a load in the first degree;

13      (ii) Neither an acquittal in a criminal prosecution nor the  
14      absence of any such prosecution is admissible in any claim or  
15      proceeding under this chapter as evidence of the noncriminal  
16      character of the acts giving rise to such claim or proceeding, except  
17      as provided for in (d)(i)(C) of this subsection;

18      (iii) Evidence of a criminal conviction arising from acts which  
19      are the basis for a claim or proceeding under this chapter is  
20      admissible in such claim or proceeding for the limited purpose of  
21      proving the criminal character of the acts; and

22      (iv) Acts which, but for the insanity or mental irresponsibility  
23      of the perpetrator, would constitute criminal conduct are deemed to  
24      be criminal conduct within the meaning of this chapter.

25      (~~(6)~~) (7) "Department" means the department of labor and  
26      industries.

27      (~~(7)~~) (8) "Financial support for lost wages" means a partial  
28      replacement of lost wages due to a temporary or permanent total  
29      disability.

30      (~~(8)~~) (9) "Gainfully employed" means engaging on a regular and  
31      continuous basis in a lawful activity from which a person derives a  
32      livelihood.

33      (~~(9)~~) (10) "Injury" means a sudden and tangible happening, of a  
34      traumatic nature, producing an immediate or prompt result, and  
35      occurring from without, and such physical conditions as result  
36      therefrom.

37      (~~(10)~~) (11) "Invalid" means one who is physically or mentally  
38      incapacitated from earning wages.

39      (~~(11)~~) (12) "Permanent total disability" means loss of both  
40      legs, or arms, or one leg and one arm, total loss of eyesight,

1 paralysis, or other condition permanently incapacitating the victim  
2 from performing any work at any gainful occupation.

3 ~~((12))~~ (13) "Private insurance" means any source of recompense  
4 provided by contract available as a result of the claimed injury or  
5 death at the time of such injury or death, or which becomes available  
6 any time thereafter.

7 ~~((13))~~ (14) "Public insurance" means any source of recompense  
8 provided by statute, state or federal, available as a result of the  
9 claimed injury or death at the time of such injury or death, or which  
10 becomes available any time thereafter.

11 ~~((14))~~ (15) "Temporary total disability" means any condition  
12 that temporarily incapacitates a victim from performing any type of  
13 gainful employment as certified by the victim's attending physician.

14 ~~((15))~~ (16) "Victim" means a person who suffers bodily injury  
15 or death as a proximate result of a criminal act of another person,  
16 the victim's own good faith and reasonable effort to prevent a  
17 criminal act, or his or her good faith effort to apprehend a person  
18 reasonably suspected of engaging in a criminal act. For the purposes  
19 of receiving benefits pursuant to this chapter, "victim" is  
20 interchangeable with "employee" or "worker" as defined in chapter  
21 51.08 RCW as now or hereafter amended.

22 **Sec. 2.** RCW 7.68.030 and 2011 c 346 s 206 are each amended to  
23 read as follows:

24 (1) It shall be the duty of the director to establish and  
25 administer a program of benefits to innocent victims of criminal acts  
26 within the terms and limitations of this chapter. The director may  
27 apply for and, subject to appropriation, expend federal funds under  
28 Public Law 98-473 and any other federal program providing financial  
29 assistance to state crime victim compensation programs. The federal  
30 funds shall be deposited in the state general fund and may be  
31 expended only for purposes authorized by applicable federal law.

32 (2) The director shall:

33 (a) Establish and adopt rules governing the administration of  
34 this chapter in accordance with chapter 34.05 RCW;

35 (b) Regulate the proof of accident and extent thereof, the proof  
36 of death, and the proof of relationship and the extent of dependency;

37 (c) Supervise the medical, surgical, and hospital treatment to  
38 the intent that it may be in all cases efficient and up to the  
39 recognized standard of modern surgery;

1 (d) Issue proper receipts for moneys received and certificates  
2 for benefits accrued or accruing;

3 (e) Designate a medical director who is licensed under chapter  
4 18.57 or 18.71 RCW;

5 (f) Supervise the providing of prompt and efficient care and  
6 treatment, including care provided by physician assistants governed  
7 by the provisions of chapters 18.57A and 18.71A RCW, acting under a  
8 supervising physician, including chiropractic care, and including  
9 care provided by licensed advanced registered nurse practitioners, to  
10 victims at the least cost consistent with promptness and efficiency,  
11 without discrimination or favoritism, and with as great uniformity as  
12 the various and diverse surrounding circumstances and locations of  
13 industries will permit and to that end shall, from time to time,  
14 establish and adopt and supervise the administration of printed  
15 forms, electronic communications, rules, regulations, and practices  
16 for the furnishing of such care and treatment. The medical coverage  
17 decisions of the department do not constitute a "rule" as used in RCW  
18 34.05.010(16), nor are such decisions subject to the rule-making  
19 provisions of chapter 34.05 RCW except that criteria for establishing  
20 medical coverage decisions shall be adopted by rule. The department  
21 may recommend to a victim particular health care services and  
22 providers where specialized treatment is indicated or where cost-  
23 effective payment levels or rates are obtained by the department, and  
24 the department may enter into contracts for goods and services  
25 including, but not limited to, durable medical equipment so long as  
26 statewide access to quality service is maintained for injured  
27 victims;

28 (g) In consultation with interested persons, establish and, in  
29 his or her discretion, periodically change as may be necessary, and  
30 make available a fee schedule of the maximum charges to be made by  
31 any physician, surgeon, chiropractor, hospital, druggist, licensed  
32 advanced registered nurse practitioner, and physician assistants as  
33 defined in chapters 18.57A and 18.71A RCW, acting under a supervising  
34 physician or other agency or person rendering services to victims.  
35 The department shall coordinate with other state purchasers of health  
36 care services to establish as much consistency and uniformity in  
37 billing and coding practices as possible, taking into account the  
38 unique requirements and differences between programs. No service  
39 covered under this title, including services provided to victims,  
40 whether aliens or other victims, who are not residing in the United

1 States at the time of receiving the services, shall be charged or  
2 paid at a rate or rates exceeding those specified in such fee  
3 schedule, and no contract providing for greater fees shall be valid  
4 as to the excess. The establishment of such a schedule, exclusive of  
5 conversion factors, does not constitute "agency action" as used in  
6 RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as  
7 used in RCW 34.05.010(16). Payments for providers' services under the  
8 fee schedule established pursuant to this subsection (2) may not be  
9 less than payments provided for comparable services under the  
10 workers' compensation program under Title 51 RCW, provided:

11 (i) If the department, using caseload estimates, projects a  
12 deficit in funding for the program by July 15th for the following  
13 fiscal year, the director shall notify the governor and the  
14 appropriate committees of the legislature and request funding  
15 sufficient to continue payments to not less than payments provided  
16 for comparable services under the workers' compensation program. If  
17 sufficient funding is not provided to continue payments to not less  
18 than payments provided for comparable services under the workers'  
19 compensation program, the director shall reduce the payments under  
20 the fee schedule for the following fiscal year based on caseload  
21 estimates and available funding, except payments may not be reduced  
22 to less than seventy percent of payments for comparable services  
23 under the workers' compensation program;

24 (ii) If an unforeseeable catastrophic event results in  
25 insufficient funding to continue payments to not less than payments  
26 provided for comparable services under the workers' compensation  
27 program, the director shall reduce the payments under the fee  
28 schedule to not less than seventy percent of payments provided for  
29 comparable services under the workers' compensation program, provided  
30 that the reduction may not be more than necessary to fund benefits  
31 under the program; and

32 (iii) Once sufficient funding is provided or otherwise available,  
33 the director shall increase the payments under the fee schedule to  
34 not less than payments provided for comparable services under the  
35 workers' compensation program;

36 (h) Make a record of the commencement of every disability and the  
37 termination thereof and, when bills are rendered for the care and  
38 treatment of injured victims, shall approve and pay those which  
39 conform to the adopted rules, regulations, established fee schedules,  
40 and practices of the director and may reject any bill or item thereof

1 incurred in violation of the principles laid down in this section or  
2 the rules, regulations, or the established fee schedules and rules  
3 and regulations adopted under it.

4 (3) The director and his or her authorized assistants:

5 (a) Have power to issue subpoenas to enforce the attendance and  
6 testimony of witnesses and the production and examination of books,  
7 papers, photographs, tapes, and records before the department in  
8 connection with any claim made to the department or any billing  
9 submitted to the department. The superior court has the power to  
10 enforce any such subpoena by proper proceedings;

11 (b)(i) May apply for and obtain a superior court order approving  
12 and authorizing a subpoena in advance of its issuance. The  
13 application may be made in the county where the subpoenaed person  
14 resides or is found, or the county where the subpoenaed records or  
15 documents are located, or in Thurston county. The application must  
16 (A) state that an order is sought pursuant to this subsection; (B)  
17 adequately specify the records, documents, or testimony; and (C)  
18 declare under oath that an investigation is being conducted for a  
19 lawfully authorized purpose related to an investigation within the  
20 department's authority and that the subpoenaed documents or testimony  
21 are reasonably related to an investigation within the department's  
22 authority.

23 (ii) Where the application under this subsection (3)(b) is made  
24 to the satisfaction of the court, the court must issue an order  
25 approving the subpoena. An order under this subsection constitutes  
26 authority of law for the agency to subpoena the records or testimony.

27 (iii) The director and his or her authorized assistants may seek  
28 approval and a court may issue an order under this subsection without  
29 prior notice to any person, including the person to whom the subpoena  
30 is directed and the person who is the subject of an investigation.

31 (4) In all hearings, actions, or proceedings before the  
32 department, any physician or licensed advanced registered nurse  
33 practitioner having theretofore examined or treated the claimant may  
34 be required to testify fully regarding such examination or treatment,  
35 and shall not be exempt from so testifying by reason of the relation  
36 of the physician or licensed advanced registered nurse practitioner  
37 to the patient.

38 **Sec. 3.** RCW 7.68.031 and 2013 c 125 s 1 are each amended to read  
39 as follows:

1 On all claims under this chapter, claimants' written or  
2 electronic notices, orders, or payments must be forwarded directly to  
3 the claimant until such time as there has been entered an order on  
4 the claim appealable to the ~~((department))~~ board of industrial  
5 insurance appeals. Claimants' written or electronic notices, orders,  
6 or payments may be forwarded to the claimant in care of a  
7 representative before an order has been entered if the claimant sets  
8 forth in writing the name and address of the representative to whom  
9 the claimant desires this information to be forwarded.

10 **Sec. 4.** RCW 7.68.062 and 2011 c 346 s 302 are each amended to  
11 read as follows:

12 (1)(a) Where a victim is eligible for compensation under this  
13 chapter he or she shall file with the department his or her  
14 application for such, together with the certificate of the  
15 ~~((physician or licensed advanced registered nurse practitioner))~~  
16 treating provider who attended him or her. An application for  
17 compensation form developed by the department shall include a notice  
18 specifying the victim's right to receive health services from a  
19 ~~((physician or licensed advanced registered nurse practitioner))~~  
20 treating provider utilizing his or her private or public insurance or  
21 if no insurance, of the victim's choice under RCW 7.68.095.

22 (b) The ~~((physician or licensed advanced registered nurse~~  
23 ~~practitioner))~~ treating provider who attended the injured victim  
24 shall inform the injured victim of his or her rights under this  
25 chapter and lend all necessary assistance in making this application  
26 for compensation and such proof of other matters as required by the  
27 rules of the department without charge to the victim.

28 (2) If the application required by this section is filed on  
29 behalf of the victim by the ~~((physician))~~ treating provider who  
30 attended the victim, the ~~((physician))~~ treating provider may transmit  
31 the application to the department electronically.

32 **Sec. 5.** RCW 7.68.070 and 2011 c 346 s 401 are each amended to  
33 read as follows:

34 The eligibility for benefits under this chapter and the amount  
35 thereof will be governed insofar as is applicable by the provisions  
36 contained in this chapter.

37 (1) Each victim injured as a result of a criminal act, including  
38 criminal acts committed between July 1, 1981, and January 1, 1983, or



1 the victim's family or beneficiary in case of death of the victim,  
2 are eligible for benefits in accordance with this chapter, subject to  
3 the limitations under RCW 7.68.015. Except for medical benefits  
4 authorized under RCW 7.68.080, no more than ((fifty)) forty thousand  
5 dollars shall be ~~((paid in total per claim, of which nonmedical~~  
6 ~~benefits shall not exceed forty thousand dollars of the entire claim.~~  
7 ~~Benefits may include a combination of burial expenses, financial~~  
8 ~~support for lost wages, and medical expenses))~~ granted as a result of  
9 a single injury or death.

10 (a) Benefits payable for temporary total disability that results  
11 in financial support for lost wages shall not exceed fifteen thousand  
12 dollars.

13 (b) Benefits payable for a permanent total disability or fatality  
14 that results in financial support for lost wages shall not exceed  
15 forty thousand dollars. After at least twelve monthly payments have  
16 been paid, the department shall have the sole discretion to make a  
17 final lump sum payment of the balance remaining.

18 ~~((c) Benefits for disposition of remains or burial expenses~~  
19 ~~shall not exceed five thousand seven hundred fifty dollars per~~  
20 ~~claim.))~~

21 (2) If the victim was not gainfully employed at the time of the  
22 criminal act, no financial support for lost wages will be paid to the  
23 victim or any beneficiaries, unless the victim was gainfully employed  
24 for a total of at least twelve weeks in the six months preceding the  
25 date of the criminal act.

26 (3) No victim or beneficiary shall receive compensation for or  
27 during the day on which the injury was received.

28 (4) If a victim's employer continues to pay the victim's wages  
29 that he or she was earning at the time of the crime, the victim shall  
30 not receive any financial support for lost wages.

31 (5) When the director determines that a temporary total  
32 disability results in a loss of wages, the victim shall receive  
33 monthly subject to subsection (1) of this section, during the period  
34 of disability, sixty percent of the victim's monthly wage but no more  
35 than one hundred percent of the state's average monthly wage as  
36 defined in RCW 7.68.020. The minimum monthly payment shall be no less  
37 than five hundred dollars. Monthly wages shall be based upon employer  
38 wage statements, employment security records, or documents reported  
39 to and certified by the internal revenue service. Monthly wages must  
40 be determined using the actual documented monthly wage or averaging

1 the total wages earned for up to twelve successive calendar months  
2 preceding the injury. In cases where the victim's wages and hours are  
3 fixed, they shall be determined by multiplying the daily wage the  
4 victim was receiving at the time of the injury:

5 (a) By five, if the victim was normally employed one day a week;

6 (b) By nine, if the victim was normally employed two days a week;

7 (c) By thirteen, if the victim was normally employed three days a  
8 week;

9 (d) By eighteen, if the victim was normally employed four days a  
10 week;

11 (e) By twenty-two, if the victim was normally employed five days  
12 a week;

13 (f) By twenty-six, if the victim was normally employed six days a  
14 week; or

15 (g) By thirty, if the victim was normally employed seven days a  
16 week.

17 (6) When the director determines that a permanent total  
18 disability or death results in a loss of wages, the victim or  
19 eligible spouse shall receive the monthly payments established in  
20 this subsection, not to exceed forty thousand dollars or the limits  
21 established in this chapter.

22 (7) If the director determines that the victim is voluntarily  
23 retired and is no longer attached to the workforce, benefits shall  
24 not be paid under this section.

25 (8) In the case of death, if there is no eligible spouse,  
26 benefits shall be paid to the child or children of the deceased  
27 victim. If there is no spouse or children, no payments shall be made  
28 under this section. If the spouse remarries before this benefit is  
29 paid in full benefits shall be paid to the victim's child or children  
30 and the spouse shall not receive further payment. If there is no  
31 child or children no further payments will be made.

32 (9) The benefits for disposition of remains or burial expenses  
33 shall not exceed ~~((five))~~ six thousand ~~((seven))~~ one hundred  
34 ~~((fifty))~~ seventy dollars per claim ~~((and))~~. Beginning July 1, 2020,  
35 the department shall adjust the amount in this subsection (9) for  
36 inflation every three years based upon changes in the consumer price  
37 index during that time period. To receive reimbursement for expenses  
38 related to the disposition of remains or burial, the department must  
39 receive an itemized statement from a provider of services within  
40 ~~((twelve))~~ twenty-four months of the date ~~((upon which the death of~~

1 ~~the victim is officially recognized as a homicide))~~ of the claim  
2 allowance. If there is a delay in the recovery of remains or the  
3 release of remains for disposition or burial, an itemized statement  
4 from a provider of services must be received within ~~((twelve))~~  
5 twenty-four months of the date of the release of the remains or of  
6 the date of the claim allowance, whichever is later.

7 (10) Any person who is responsible for the victim's injuries, or  
8 who would otherwise be unjustly enriched as a result of the victim's  
9 injuries, shall not be a beneficiary under this chapter.

10 (11) Crime victims' compensation is not available to pay for  
11 services covered under chapter 74.09 RCW or Title XIX of the federal  
12 social security act.

13 (12) A victim whose crime occurred in another state who qualifies  
14 for benefits under RCW 7.68.060(6) may receive appropriate mental  
15 health counseling to address distress arising from participation in  
16 the civil commitment proceedings. Fees for counseling shall be  
17 determined by the department in accordance with RCW 51.04.030,  
18 subject to the limitations of RCW 7.68.080.

19 (13) If the provisions of this title relative to compensation for  
20 injuries to or death of victims become invalid because of any  
21 adjudication, or are repealed, the period intervening between the  
22 occurrence of an injury or death, not previously compensated for  
23 under this title by lump payment or completed monthly payments, and  
24 such repeal or the rendition of the final adjudication of invalidity  
25 shall not be computed as a part of the time limited by law for the  
26 commencement of any action relating to such injury or death.

27 (14) The benefits established in RCW 51.32.080 for permanent  
28 partial disability will not be provided to any crime victim or for  
29 any claim submitted on or after July 1, 2011.

30 **Sec. 6.** RCW 7.68.080 and 2011 1st sp.s. c 15 s 69 and 2011 c 346  
31 s 501 are each reenacted and amended to read as follows:

32 (1) When the injury to any victim is so serious as to require the  
33 victim's being taken from the place of injury to a place of  
34 treatment, reasonable transportation costs to the nearest place of  
35 proper treatment shall be reimbursed by the department as part of the  
36 victim's total claim under RCW 7.68.070(1).

37 (2) In the case of alleged rape or molestation of a child, the  
38 reasonable costs of a colposcopy examination shall be reimbursed by  
39 the department. Costs for a colposcopy examination given under this

1 subsection shall not be included as part of the victim's total claim  
2 under RCW 7.68.070(1).

3 (3) The director shall adopt rules for fees and charges for  
4 hospital, clinic, medical, and other health care services, including  
5 fees and costs for durable medical equipment, eyeglasses, hearing  
6 aids, and other medically necessary devices for crime victims under  
7 this chapter. The director shall set these service levels and fees at  
8 a level no lower than those established (~~by the health care~~  
9 ~~authority~~) for comparable services under the workers' compensation  
10 program under Title ((74)) 51 RCW, except the director shall comply  
11 with the requirements of RCW 7.68.030(2)(g) (i) through (iii) when  
12 setting service levels and fees, including reducing levels and fees  
13 when required. In establishing fees for medical and other health care  
14 services, the director shall consider the director's duty to purchase  
15 health care in a prudent, cost-effective manner. The director shall  
16 establish rules adopted in accordance with chapter 34.05 RCW. Nothing  
17 in this chapter may be construed to require the payment of interest  
18 on any billing, fee, or charge.

19 (4) Whenever the director deems it necessary in order to resolve  
20 any medical issue, a victim shall submit to examination by a  
21 physician or physicians selected by the director, with the rendition  
22 of a report to the person ordering the examination. The department  
23 shall provide the physician performing an examination with all  
24 relevant medical records from the victim's claim file. The director,  
25 in his or her discretion, may charge the cost of such examination or  
26 examinations to the crime victims' compensation fund. If the  
27 examination is paid for by the victim, then the cost of said  
28 examination shall be reimbursed to the victim for reasonable costs  
29 connected with the examination as part of the victim's total claim  
30 under RCW 7.68.070(1).

31 (5) Victims of sexual assault are eligible to receive appropriate  
32 counseling. Fees for such counseling shall be determined by the  
33 department. Counseling services may include, if determined  
34 appropriate by the department, counseling of members of the victim's  
35 immediate family, other than the perpetrator of the assault.

36 (6) Immediate family members of a homicide victim may receive  
37 appropriate counseling to assist in dealing with the immediate,  
38 near-term consequences of the related effects of the homicide. Up to  
39 twelve counseling sessions may be received (~~for one year~~) after the  
40 crime victim's claim has been allowed. Fees for counseling shall be

1 determined by the department in accordance with and subject to this  
2 section. Payment of counseling benefits under this section may not be  
3 provided to the perpetrator of the homicide. The benefits under this  
4 subsection may be provided only with respect to homicides committed  
5 on or after July 1, 1992.

6 (7) Pursuant to RCW 7.68.070(12), a victim of a sex offense that  
7 occurred outside of Washington may be eligible to receive mental  
8 health counseling related to participation in proceedings to civilly  
9 commit a perpetrator.

10 (8) The crime victims' compensation program shall consider  
11 payment of benefits solely for the effects of the criminal act.

12 (9) The legislature finds and declares it to be in the public  
13 interest of the state of Washington that a proper regulatory and  
14 inspection program be instituted in connection with the provision of  
15 any services provided to crime victims pursuant to this chapter. In  
16 order to effectively accomplish such purpose and to assure that the  
17 victim receives such services as are paid for by the state of  
18 Washington, the acceptance by the victim of such services, and the  
19 request by a provider of services for reimbursement for providing  
20 such services, shall authorize the director of the department or the  
21 director's authorized representative to inspect and audit all records  
22 in connection with the provision of such services. In the conduct of  
23 such audits or investigations, the director or the director's  
24 authorized representatives may:

25 (a) Examine all records, or portions thereof, including patient  
26 records, for which services were rendered by a health care provider  
27 and reimbursed by the department, notwithstanding the provisions of  
28 any other statute which may make or purport to make such records  
29 privileged or confidential, except that no original patient records  
30 shall be removed from the premises of the health care provider, and  
31 that the disclosure of any records or information obtained under  
32 authority of this section by the department is prohibited and  
33 constitutes a violation of RCW 42.52.050, unless such disclosure is  
34 directly connected to the official duties of the department. The  
35 disclosure of patient information as required under this section  
36 shall not subject any physician, licensed advanced registered nurse  
37 practitioner, or other health care provider to any liability for  
38 breach of any confidential relationships between the provider and the  
39 patient. The director or the director's authorized representative  
40 shall destroy all copies of patient medical records in their

1 possession upon completion of the audit, investigation, or  
2 proceedings;

3 (b) Approve or deny applications to participate as a provider of  
4 services furnished to crime victims pursuant to this title;

5 (c) Terminate or suspend eligibility to participate as a provider  
6 of services furnished to victims pursuant to this title; and

7 (d) Pursue collection of unpaid overpayments and/or penalties  
8 plus interest accrued from health care providers pursuant to RCW  
9 51.32.240(6).

10 (10) When contracting for health care services and equipment, the  
11 department, upon request of a contractor, shall keep confidential  
12 financial and valuable trade information, which shall be exempt from  
13 public inspection and copying under chapter 42.56 RCW.

14 **Sec. 7.** RCW 7.68.111 and 2011 c 346 s 601 are each amended to  
15 read as follows:

16 (1)(a) If the victim or beneficiary in a claim prevails in an  
17 appeal by any party to the (~~department~~) board of industrial  
18 insurance appeals or the court, the department shall comply with the  
19 (~~department~~) board of industrial insurance appeals or court's order  
20 with respect to the payment of compensation within the later of the  
21 following time periods:

22 (i) Sixty days after the compensation order has become final and  
23 is not subject to review or appeal; or

24 (ii) If the order has become final and is not subject to review  
25 or appeal and the department has, within the period specified in  
26 (a)(i) of this subsection, requested the filing by the victim or  
27 beneficiary of documents necessary to make payment of compensation,  
28 sixty days after all requested documents are filed with the  
29 department.

30 The department may extend the sixty-day time period for an  
31 additional thirty days for good cause.

32 (b) If the department fails to comply with (a) of this  
33 subsection, any person eligible for compensation under the order may  
34 institute proceedings for injunctive or other appropriate relief for  
35 enforcement of the order. These proceedings may be instituted in the  
36 superior court for the county in which the claimant resides, or, if  
37 the claimant is not then a resident of this state, in the superior  
38 court for Thurston county.

1           (2) In a proceeding under this section, the court shall enforce  
2 obedience to the order by proper means, enjoining compliance upon the  
3 person obligated to comply with the compensation order. The court may  
4 issue such writs and processes as are necessary to carry out its  
5 orders and may award a penalty of up to one thousand dollars to the  
6 person eligible for compensation under the order.

7           (3) A proceeding under this section does not preclude other  
8 methods of enforcement provided for in this chapter."

9           Correct the title.

EFFECT: Specifies a victim may access lost wage benefits from the Crime Victims' Compensation Program if he or she was gainfully employed for a total of at least twelve weeks in the six months preceding the date of the criminal act (rather than specifying that a victim may not access lost wage benefits if not gainfully employed at the time of the criminal act or for a total of twelve weeks in the preceding six months). Changes the limit for downward adjustments to the levels of payments to CVCP treatment providers authorized when an unforeseen catastrophic event results in insufficient funds from 75 percent to 70 percent of payments for comparable services under the Workers' Compensation Program.

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