

# HOUSE BILL REPORT

## SSB 5814

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**As Passed House:**

March 3, 2022

**Title:** An act relating to providing funding for medical evaluations of suspected victims of child abuse.

**Brief Description:** Providing funding for medical evaluations of suspected victims of child abuse.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.).

**Brief History:**

**Committee Activity:**

Appropriations: 2/22/22, 2/24/22 [DP].

**Floor Activity:**

Passed House: 3/3/22, 98-0.

**Brief Summary of Substitute Bill**

- Requires the Department of Labor and Industries (Department) to cover the costs for the examination of a suspected victim of Assault of a Child, subject to appropriation.
- Requires the Department to report information related to such claims to the Legislature and Governor by November 1, 2023, and annually thereafter.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant

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Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

**Staff:** Jackie Wheeler (786-7125).

**Background:**

Crime Victim Compensation Program.

The Department of Labor and Industries (Department) administers the Crime Victims Compensation Program (Program), which generally provides benefits to victims of criminal acts, subject to certain limitations. For those eligible, the Program may help cover medical or dental treatment, medication expenses, mental health treatment, grief counseling, partial wage loss replacement, funeral expenses, and expenses not cover by other insurance.

Benefits under the Program are secondary to services available from any other public or private insurance, meaning the Program is the payer of last resort. However, sexual assault examinations are conducted at no cost to the individual and must be billed to the Program for payment to the medical provider. The client is not required to file an application with the Department, use their own insurance, or report to the police to receive the benefit and may not be billed for those costs. If additional medical or mental health treatment is required, a crime victim's compensation claim can be filed with the Department to determine eligibility for benefits.

Assault of a Child.

A person 18 years of age or older is guilty of the crime of Assault of a Child in the first degree if: the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child; either recklessly inflicts great bodily harm or causes substantial bodily harm; and the person has previously been engaged in a pattern or practice of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing physical pain or agony that is equivalent to torture. Assault of a Child in the first degree is a class A felony.

A person 18 years of age or older is guilty of the crime of Assault of a Child in the second degree if: the child is under the age of 13 and the person commits the crime against the child or intentionally assaults the child, causing bodily harm resulting in greater-than-transient physical pain or minor temporary marks; and the person has previously been engaged in a pattern of assaulting the child, resulting in greater-than-transient pain or minor temporary marks, or causing the child physical pain that is equivalent to torture. Assault of a Child in the second degree is a class B felony.

A person 18 years of age or older is guilty of the crime of Assault of a Child in the third degree if: the child is under the age of 13 and the person commits the crime by causing

bodily harm with criminal negligence by means of a weapon or instrument with criminal negligence; or accompanied by substantial pain that extends for a period sufficient to cause considerable suffering. Assault of a Child in the third degree is a class C felony.

Medical Evaluations of Suspected Child Victims.

In 2015, the Legislature passed Substitute Senate Bill 5897 requiring the Department to pay, secondary to other insurance, all costs incurred by the medical examination of suspected victims of Assault of a Child, with some limitations. This law expired on June 30, 2019. In the 2020 Supplemental Operating Budget, the Legislature appropriated \$50,000 for the Department to pay for child physical abuse examinations for fiscal year (FY) 2021.

**Summary of Bill:**

No costs for the examination of a suspected victim of Assault of a Child incurred by a private or public hospital or any other facility providing medical diagnosis or care may be billed to the suspected victim of the assault. Subject to the availability of amounts appropriated for this specific purpose, the Department of Labor and Industries (Department) must pay for all costs and notify the Office of Financial Management and the fiscal committees of the Legislature if it projects that the costs of these services exceed the amount of funding provided by the Legislature.

By November 1, 2023, and annually thereafter, the Department must submit a report to the Legislature and Governor with the following information:

- the number of requests to pay for physical abuse exams for child victims of assault;
- how many of these requests are approved and denied, including the reasons for denial;
- how many of the exams were covered for another reason; and
- any other information the Department believes is beneficial.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) Access to medical exams for child victims of physical abuse is critical to ensuring all suspected victims receive the care and support necessary to heal from the trauma they have experienced. When medical providers follow national standards and recommendations on when to initiate a medical evaluation for possible child physical abuse, the infant or the child may need bloodwork, x-rays, or CAT scans. Providers can then either alleviate any concerns about abuse and diagnose a different cause of the presenting

symptoms, or confirm that there has been physical abuse and provide intervention. The Child Advocacy Center in Spokane provided hundreds of medical exams for child victims of physical abuse or crime-level neglect and were not able to bill the Crime Victim's Compensation Program, requiring the providers to absorb the cost. Providers who pass costs for the evaluations to the families often decline the exam to avoid the expense. Providing payment for all child physical abuse exams would allow for medical and social service professionals to provide interventions to protect the health, welfare, and safety of children in the state.

(Opposed) None.

**Persons Testifying:** Paula Reed, Children's Advocacy Centers of Washington; Lisa Wahl; and Amy Russell, Arthur D. Curtis Children's Justice Center.

**Persons Signed In To Testify But Not Testifying:** None.