

SENATE BILL REPORT

SB 5814

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, January 27, 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: Senators Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C..

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/21/22, 1/27/22 [DPS-WM].

Brief Summary of First Substitute Bill

- Directs the Crime Victim's Compensation Program (Program) to cover the costs for the examination of a suspected victim of assault to a child, subject to appropriation.
- Directs the Program to report information related to such claims to the Legislature and Governor by November 1, 2023.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5814 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Trudeau.

Staff: Alison Mendiola (786-7488)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Crime Victim Compensation Program. The Department of Labor and Industries (L&I) administers the Crime Victim Compensation Program (Program). Individual victims are eligible for this Program if they sustain a bodily injury or severe emotional stress following a gross misdemeanor or felony crime, and meet additional requirements. The crime resulting in injury to a victim must be verified by L&I or be reasonably credible.

For eligible victims, the Program will help cover medical or dental expenses, or both, wage replacement, prescription expenses, mental health treatment, and some death benefits. Benefits under the program are secondary to services available from any other public or private insurance.

When a sexual assault examination is performed for gathering evidence for possible prosecution, the costs of the examination must be billed to the Program. The client is not required to file an application with L&I to receive the benefit, and may not be billed for those costs. If the examination includes treatment costs or follow-up treatment, an application for benefits must be filed with L&I for those services to be considered for payment.

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. In 2015, the Legislature passed SSB 5897 to provide funding for medical evaluations of suspected child victims of physical abuse. This law expired on June 30, 2019, and was not subsequently funded.

Summary of Bill (First Substitute): A suspected victim of assault of a child is not required to pay for any costs incurred by a public or private hospital, or any other facility providing medical diagnosis, treatment or care, for the examination of the assault. Subject to the availability of amounts appropriated for this specific purpose, L&I will pay for all costs incurred by a public or private hospital, or any other facility providing medical diagnosis, treatment, or care, for the examination of a suspected victim of assault of a child, provided that the cost of the examination would not otherwise be covered by L&I.

By November 1, 2023, and annually thereafter, L&I will 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 L&I believes is beneficial.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):

The terms felony-level and felony are removed. A null and void clause is added.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: There is an inequity in how child abuse exams are treated. Sexual abuse exams are covered but child abuse exams are not although they used to be. The Crime Victim Compensation Program was created in 1973 to cover these types of costs. Abuse shouldn't be limited to sexual. An exam provides an opportunity for interventions and support. Because families have to pay for the exam there is a disparity in who has access to getting exams or the provider absorbs the cost. Physical abuse is more common than sexual abuse and can have long last effects including skeletal and internal injury. Thirty percent of abused children go on to continue the cycle of abuse. Given the lifelong impact to the child and the fact that they don't recover on their own, we need proper medical document to access to services and the cost of the exam shouldn't be a barrier for any child to get the help they need.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Amanda Kost; Lisa

Lyons, Ph.D., Legacy Health; Paula Reed, Children's Advocacy Centers of Washington; Amy Russell, Arthur D Curtis CJC; Stephanie Widhalm, Partners with Families and Children: Spokane; Paula Newman-Skomski, ARNP; Rebecca Wiester, Washington Chapter of the American Academy of Pediatrics.

Persons Signed In To Testify But Not Testifying: No one.