

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1739

Chapter 235, Laws of 2017

65th Legislature
2017 Regular Session

CRIME VICTIMS' COMPENSATION PROGRAM--VARIOUS CHANGES

EFFECTIVE DATE: 7/23/2017

Passed by the House March 6, 2017
Yeas 96 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2017
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Approved May 5, 2017 3:13 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1739** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2017

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1739

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By House Public Safety (originally sponsored by Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford, and Jinkins)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to the crime victims' compensation program;
2 amending RCW 7.68.020, 7.68.030, 7.68.031, 7.68.062, 7.68.070, and
3 7.68.111; and reenacting and amending RCW 7.68.080.

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

5 **Sec. 1.** RCW 7.68.020 and 2011 c 346 s 101 are each amended to
6 read as follows:

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

10 (1) "Accredited school" means a school or course of instruction
11 which is:

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

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

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

4 (3) "Beneficiary" means a husband, wife, registered domestic
5 partner, or child of a victim in whom shall vest a right to receive
6 payment under this chapter, except that a husband or wife of an
7 injured victim, living separate and apart in a state of abandonment,
8 regardless of the party responsible therefor, for more than one year
9 at the time of the injury or subsequently, shall not be a
10 beneficiary. A spouse who has lived separate and apart from the other
11 spouse for the period of two years and who has not, during that time,
12 received or attempted by process of law to collect funds for
13 maintenance, shall be deemed living in a state of abandonment.

14 (4) "Child" means every natural born child, posthumous child,
15 stepchild, child legally adopted prior to the injury, child born
16 after the injury where conception occurred prior to the injury, and
17 dependent child in the legal custody and control of the victim, all
18 while under the age of eighteen years, or under the age of twenty-
19 three years while permanently enrolled as a full-time student in an
20 accredited school, and over the age of eighteen years if the child is
21 a dependent as a result of a physical, mental, or sensory handicap.

22 (5) "Consumer price index" means the consumer price index
23 compiled by the bureau of labor statistics, United States department
24 of labor for the state of Washington. If the bureau of labor
25 statistics develops more than one consumer price index for areas
26 within the state, the index covering the greatest number of people,
27 covering areas exclusively within the boundaries of the state, and
28 including all items must be used.

29 (6) "Criminal act" means an act committed or attempted in this
30 state which is: (a) Punishable as a federal offense that is
31 comparable to a felony or gross misdemeanor in this state; (b)
32 punishable as a felony or gross misdemeanor under the laws of this
33 state; (c) an act committed outside the state of Washington against a
34 resident of the state of Washington which would be compensable had it
35 occurred inside this state and the crime occurred in a state which
36 does not have a crime victims' compensation program, for which the
37 victim is eligible as set forth in the Washington compensation law;
38 or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does
39 not include the following:

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

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

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

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

8 (I) A preponderance of the evidence establishes that the death
9 was the result of vehicular homicide under RCW 46.61.520(~~(7)~~);

10 (II) The victim submits a copy of a certificate of probable cause
11 filed by the prosecutor stating that a vehicular assault under RCW
12 46.61.522 occurred;

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

15 (IV) A conviction of vehicular assault under RCW 46.61.522(~~(7)~~)
16 has been obtained(~~(7)~~); or

17 (V) In cases where a probable criminal defendant has died in
18 perpetration of vehicular assault or, in cases where the perpetrator
19 of the vehicular assault is unascertainable because he or she left
20 the scene of the accident in violation of RCW 46.52.020 or, because
21 of physical or mental infirmity or disability the perpetrator is
22 incapable of standing trial for vehicular assault, the department
23 may, by a preponderance of the evidence, establish that a vehicular
24 assault had been committed and authorize benefits;

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

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

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

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

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

1 ~~((+6))~~ (7) "Department" means the department of labor and
2 industries.

3 ~~((+7))~~ (8) "Financial support for lost wages" means a partial
4 replacement of lost wages due to a temporary or permanent total
5 disability.

6 ~~((+8))~~ (9) "Gainfully employed" means engaging on a regular and
7 continuous basis in a lawful activity from which a person derives a
8 livelihood.

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

13 ~~((+10))~~ (11) "Invalid" means one who is physically or mentally
14 incapacitated from earning wages.

15 ~~((+11))~~ (12) "Permanent total disability" means loss of both
16 legs, or arms, or one leg and one arm, total loss of eyesight,
17 paralysis, or other condition permanently incapacitating the victim
18 from performing any work at any gainful occupation.

19 ~~((+12))~~ (13) "Private insurance" means any source of recompense
20 provided by contract available as a result of the claimed injury or
21 death at the time of such injury or death, or which becomes available
22 any time thereafter.

23 ~~((+13))~~ (14) "Public insurance" means any source of recompense
24 provided by statute, state or federal, available as a result of the
25 claimed injury or death at the time of such injury or death, or which
26 becomes available any time thereafter.

27 ~~((+14))~~ (15) "Temporary total disability" means any condition
28 that temporarily incapacitates a victim from performing any type of
29 gainful employment as certified by the victim's attending physician.

30 ~~((+15))~~ (16) "Victim" means a person who suffers bodily injury
31 or death as a proximate result of a criminal act of another person,
32 the victim's own good faith and reasonable effort to prevent a
33 criminal act, or his or her good faith effort to apprehend a person
34 reasonably suspected of engaging in a criminal act. For the purposes
35 of receiving benefits pursuant to this chapter, "victim" is
36 interchangeable with "employee" or "worker" as defined in chapter
37 51.08 RCW as now or hereafter amended.

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

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

9 (2) The director shall:

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

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

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

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

19 (e) Designate a medical director who is licensed under chapter
20 18.57 or 18.71 RCW;

21 (f) Supervise the providing of prompt and efficient care and
22 treatment, including care provided by physician assistants governed
23 by the provisions of chapters 18.57A and 18.71A RCW, acting under a
24 supervising physician, including chiropractic care, and including
25 care provided by licensed advanced registered nurse practitioners, to
26 victims at the least cost consistent with promptness and efficiency,
27 without discrimination or favoritism, and with as great uniformity as
28 the various and diverse surrounding circumstances and locations of
29 industries will permit and to that end shall, from time to time,
30 establish and adopt and supervise the administration of printed
31 forms, electronic communications, rules, regulations, and practices
32 for the furnishing of such care and treatment. The medical coverage
33 decisions of the department do not constitute a "rule" as used in RCW
34 34.05.010(16), nor are such decisions subject to the rule-making
35 provisions of chapter 34.05 RCW except that criteria for establishing
36 medical coverage decisions shall be adopted by rule. The department
37 may recommend to a victim particular health care services and
38 providers where specialized treatment is indicated or where cost-
39 effective payment levels or rates are obtained by the department, and
40 the department may enter into contracts for goods and services

1 including, but not limited to, durable medical equipment so long as
2 statewide access to quality service is maintained for injured
3 victims;

4 (g) In consultation with interested persons, establish and, in
5 his or her discretion, periodically change as may be necessary, and
6 make available a fee schedule of the maximum charges to be made by
7 any physician, surgeon, chiropractor, hospital, druggist, licensed
8 advanced registered nurse practitioner, and physician assistants as
9 defined in chapters 18.57A and 18.71A RCW, acting under a supervising
10 physician or other agency or person rendering services to victims.
11 The department shall coordinate with other state purchasers of health
12 care services to establish as much consistency and uniformity in
13 billing and coding practices as possible, taking into account the
14 unique requirements and differences between programs. No service
15 covered under this title, including services provided to victims,
16 whether aliens or other victims, who are not residing in the United
17 States at the time of receiving the services, shall be charged or
18 paid at a rate or rates exceeding those specified in such fee
19 schedule, and no contract providing for greater fees shall be valid
20 as to the excess. The establishment of such a schedule, exclusive of
21 conversion factors, does not constitute "agency action" as used in
22 RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as
23 used in RCW 34.05.010(16). Payments for providers' services under the
24 fee schedule established pursuant to this subsection (2) may not be
25 less than payments provided for comparable services under the
26 workers' compensation program under Title 51 RCW, provided:

27 (i) If the department, using caseload estimates, projects a
28 deficit in funding for the program by July 15th for the following
29 fiscal year, the director shall notify the governor and the
30 appropriate committees of the legislature and request funding
31 sufficient to continue payments to not less than payments provided
32 for comparable services under the workers' compensation program. If
33 sufficient funding is not provided to continue payments to not less
34 than payments provided for comparable services under the workers'
35 compensation program, the director shall reduce the payments under
36 the fee schedule for the following fiscal year based on caseload
37 estimates and available funding, except payments may not be reduced
38 to less than seventy percent of payments for comparable services
39 under the workers' compensation program;

1 (ii) If an unforeseeable catastrophic event results in
2 insufficient funding to continue payments to not less than payments
3 provided for comparable services under the workers' compensation
4 program, the director shall reduce the payments under the fee
5 schedule to not less than seventy percent of payments provided for
6 comparable services under the workers' compensation program, provided
7 that the reduction may not be more than necessary to fund benefits
8 under the program; and

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

13 (h) Make a record of the commencement of every disability and the
14 termination thereof and, when bills are rendered for the care and
15 treatment of injured victims, shall approve and pay those which
16 conform to the adopted rules, regulations, established fee schedules,
17 and practices of the director and may reject any bill or item thereof
18 incurred in violation of the principles laid down in this section or
19 the rules, regulations, or the established fee schedules and rules
20 and regulations adopted under it.

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

22 (a) Have power to issue subpoenas to enforce the attendance and
23 testimony of witnesses and the production and examination of books,
24 papers, photographs, tapes, and records before the department in
25 connection with any claim made to the department or any billing
26 submitted to the department. The superior court has the power to
27 enforce any such subpoena by proper proceedings;

28 (b)(i) May apply for and obtain a superior court order approving
29 and authorizing a subpoena in advance of its issuance. The
30 application may be made in the county where the subpoenaed person
31 resides or is found, or the county where the subpoenaed records or
32 documents are located, or in Thurston county. The application must
33 (A) state that an order is sought pursuant to this subsection; (B)
34 adequately specify the records, documents, or testimony; and (C)
35 declare under oath that an investigation is being conducted for a
36 lawfully authorized purpose related to an investigation within the
37 department's authority and that the subpoenaed documents or testimony
38 are reasonably related to an investigation within the department's
39 authority.

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

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

9 (4) In all hearings, actions, or proceedings before the
10 department, any physician or licensed advanced registered nurse
11 practitioner having theretofore examined or treated the claimant may
12 be required to testify fully regarding such examination or treatment,
13 and shall not be exempt from so testifying by reason of the relation
14 of the physician or licensed advanced registered nurse practitioner
15 to the patient.

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

18 On all claims under this chapter, claimants' written or
19 electronic notices, orders, or payments must be forwarded directly to
20 the claimant until such time as there has been entered an order on
21 the claim appealable to the ~~((department))~~ board of industrial
22 insurance appeals. Claimants' written or electronic notices, orders,
23 or payments may be forwarded to the claimant in care of a
24 representative before an order has been entered if the claimant sets
25 forth in writing the name and address of the representative to whom
26 the claimant desires this information to be forwarded.

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

29 (1)(a) Where a victim is eligible for compensation under this
30 chapter he or she shall file with the department his or her
31 application for such, together with the certificate of the
32 ~~((physician or licensed advanced registered nurse practitioner))~~
33 treating provider who attended him or her. An application for
34 compensation form developed by the department shall include a notice
35 specifying the victim's right to receive health services from a
36 ~~((physician or licensed advanced registered nurse practitioner))~~
37 treating provider utilizing his or her private or public insurance or
38 if no insurance, of the victim's choice under RCW 7.68.095.

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

7 (2) If the application required by this section is filed on
8 behalf of the victim by the (~~physician~~) treating provider who
9 attended the victim, the (~~physician~~) treating provider may transmit
10 the application to the department electronically.

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

13 The eligibility for benefits under this chapter and the amount
14 thereof will be governed insofar as is applicable by the provisions
15 contained in this chapter.

16 (1) Each victim injured as a result of a criminal act, including
17 criminal acts committed between July 1, 1981, and January 1, 1983, or
18 the victim's family or beneficiary in case of death of the victim,
19 are eligible for benefits in accordance with this chapter, subject to
20 the limitations under RCW 7.68.015. Except for medical benefits
21 authorized under RCW 7.68.080, no more than (~~fifty~~) forty thousand
22 dollars shall be (~~paid in total per claim, of which nonmedical~~
23 benefits shall not exceed forty thousand dollars of the entire claim.
24 Benefits may include a combination of burial expenses, financial
25 support for lost wages, and medical expenses) granted as a result of
26 a single injury or death.

27 (a) Benefits payable for temporary total disability that results
28 in financial support for lost wages shall not exceed fifteen thousand
29 dollars.

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

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

38 (2) If the victim was not gainfully employed at the time of the
39 criminal act, no financial support for lost wages will be paid to the

1 victim or any beneficiaries, unless the victim was gainfully employed
2 for a total of at least twelve weeks in the six months preceding the
3 date of the criminal act.

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

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

9 (5) When the director determines that a temporary total
10 disability results in a loss of wages, the victim shall receive
11 monthly subject to subsection (1) of this section, during the period
12 of disability, sixty percent of the victim's monthly wage but no more
13 than one hundred percent of the state's average monthly wage as
14 defined in RCW 7.68.020. The minimum monthly payment shall be no less
15 than five hundred dollars. Monthly wages shall be based upon employer
16 wage statements, employment security records, or documents reported
17 to and certified by the internal revenue service. Monthly wages must
18 be determined using the actual documented monthly wage or averaging
19 the total wages earned for up to twelve successive calendar months
20 preceding the injury. In cases where the victim's wages and hours are
21 fixed, they shall be determined by multiplying the daily wage the
22 victim was receiving at the time of the injury:

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

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

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

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

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

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

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

35 (6) When the director determines that a permanent total
36 disability or death results in a loss of wages, the victim or
37 eligible spouse shall receive the monthly payments established in
38 this subsection, not to exceed forty thousand dollars or the limits
39 established in this chapter.

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

4 (8) In the case of death, if there is no eligible spouse,
5 benefits shall be paid to the child or children of the deceased
6 victim. If there is no spouse or children, no payments shall be made
7 under this section. If the spouse remarries before this benefit is
8 paid in full benefits shall be paid to the victim's child or children
9 and the spouse shall not receive further payment. If there is no
10 child or children no further payments will be made.

11 (9) The benefits for disposition of remains or burial expenses
12 shall not exceed ~~((five))~~ six thousand ~~((seven))~~ one hundred
13 ~~((fifty))~~ seventy dollars per claim ~~((and))~~. Beginning July 1, 2020,
14 the department shall adjust the amount in this subsection (9) for
15 inflation every three years based upon changes in the consumer price
16 index during that time period. To receive reimbursement for expenses
17 related to the disposition of remains or burial, the department must
18 receive an itemized statement from a provider of services within
19 ~~((twelve))~~ twenty-four months of the date ~~((upon which the death of~~
20 ~~the victim is officially recognized as a homicide))~~ of the claim
21 allowance. If there is a delay in the recovery of remains or the
22 release of remains for disposition or burial, an itemized statement
23 from a provider of services must be received within ~~((twelve))~~
24 twenty-four months of the date of the release of the remains or of
25 the date of the claim allowance, whichever is later.

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

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

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

38 (13) If the provisions of this title relative to compensation for
39 injuries to or death of victims become invalid because of any
40 adjudication, or are repealed, the period intervening between the

1 occurrence of an injury or death, not previously compensated for
2 under this title by lump payment or completed monthly payments, and
3 such repeal or the rendition of the final adjudication of invalidity
4 shall not be computed as a part of the time limited by law for the
5 commencement of any action relating to such injury or death.

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

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

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

16 (2) In the case of alleged rape or molestation of a child, the
17 reasonable costs of a colposcopy examination shall be reimbursed by
18 the department. Costs for a colposcopy examination given under this
19 subsection shall not be included as part of the victim's total claim
20 under RCW 7.68.070(1).

21 (3) The director shall adopt rules for fees and charges for
22 hospital, clinic, medical, and other health care services, including
23 fees and costs for durable medical equipment, eyeglasses, hearing
24 aids, and other medically necessary devices for crime victims under
25 this chapter. The director shall set these service levels and fees at
26 a level no lower than those established (~~by the health care~~
27 ~~authority~~) for comparable services under the workers' compensation
28 program under Title ((74)) 51 RCW, except the director shall comply
29 with the requirements of RCW 7.68.030(2)(g) (i) through (iii) when
30 setting service levels and fees, including reducing levels and fees
31 when required. In establishing fees for medical and other health care
32 services, the director shall consider the director's duty to purchase
33 health care in a prudent, cost-effective manner. The director shall
34 establish rules adopted in accordance with chapter 34.05 RCW. Nothing
35 in this chapter may be construed to require the payment of interest
36 on any billing, fee, or charge.

37 (4) Whenever the director deems it necessary in order to resolve
38 any medical issue, a victim shall submit to examination by a
39 physician or physicians selected by the director, with the rendition

1 of a report to the person ordering the examination. The department
2 shall provide the physician performing an examination with all
3 relevant medical records from the victim's claim file. The director,
4 in his or her discretion, may charge the cost of such examination or
5 examinations to the crime victims' compensation fund. If the
6 examination is paid for by the victim, then the cost of said
7 examination shall be reimbursed to the victim for reasonable costs
8 connected with the examination as part of the victim's total claim
9 under RCW 7.68.070(1).

10 (5) Victims of sexual assault are eligible to receive appropriate
11 counseling. Fees for such counseling shall be determined by the
12 department. Counseling services may include, if determined
13 appropriate by the department, counseling of members of the victim's
14 immediate family, other than the perpetrator of the assault.

15 (6) Immediate family members of a homicide victim may receive
16 appropriate counseling to assist in dealing with the immediate,
17 near-term consequences of the related effects of the homicide. Up to
18 twelve counseling sessions may be received (~~for one year~~) after the
19 crime victim's claim has been allowed. Fees for counseling shall be
20 determined by the department in accordance with and subject to this
21 section. Payment of counseling benefits under this section may not be
22 provided to the perpetrator of the homicide. The benefits under this
23 subsection may be provided only with respect to homicides committed
24 on or after July 1, 1992.

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

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

31 (9) The legislature finds and declares it to be in the public
32 interest of the state of Washington that a proper regulatory and
33 inspection program be instituted in connection with the provision of
34 any services provided to crime victims pursuant to this chapter. In
35 order to effectively accomplish such purpose and to assure that the
36 victim receives such services as are paid for by the state of
37 Washington, the acceptance by the victim of such services, and the
38 request by a provider of services for reimbursement for providing
39 such services, shall authorize the director of the department or the
40 director's authorized representative to inspect and audit all records

1 in connection with the provision of such services. In the conduct of
2 such audits or investigations, the director or the director's
3 authorized representatives may:

4 (a) Examine all records, or portions thereof, including patient
5 records, for which services were rendered by a health care provider
6 and reimbursed by the department, notwithstanding the provisions of
7 any other statute which may make or purport to make such records
8 privileged or confidential, except that no original patient records
9 shall be removed from the premises of the health care provider, and
10 that the disclosure of any records or information obtained under
11 authority of this section by the department is prohibited and
12 constitutes a violation of RCW 42.52.050, unless such disclosure is
13 directly connected to the official duties of the department. The
14 disclosure of patient information as required under this section
15 shall not subject any physician, licensed advanced registered nurse
16 practitioner, or other health care provider to any liability for
17 breach of any confidential relationships between the provider and the
18 patient. The director or the director's authorized representative
19 shall destroy all copies of patient medical records in their
20 possession upon completion of the audit, investigation, or
21 proceedings;

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

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

26 (d) Pursue collection of unpaid overpayments and/or penalties
27 plus interest accrued from health care providers pursuant to RCW
28 51.32.240(6).

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

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

35 (1)(a) If the victim or beneficiary in a claim prevails in an
36 appeal by any party to the ((department)) board of industrial
37 insurance appeals or the court, the department shall comply with the
38 ((department)) board of industrial insurance appeals or court's order

1 with respect to the payment of compensation within the later of the
2 following time periods:

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

5 (ii) If the order has become final and is not subject to review
6 or appeal and the department has, within the period specified in
7 (a)(i) of this subsection, requested the filing by the victim or
8 beneficiary of documents necessary to make payment of compensation,
9 sixty days after all requested documents are filed with the
10 department.

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

13 (b) If the department fails to comply with (a) of this
14 subsection, any person eligible for compensation under the order may
15 institute proceedings for injunctive or other appropriate relief for
16 enforcement of the order. These proceedings may be instituted in the
17 superior court for the county in which the claimant resides, or, if
18 the claimant is not then a resident of this state, in the superior
19 court for Thurston county.

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

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

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Passed by the Senate April 12, 2017.

Approved by the Governor May 5, 2017.

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