
SUBSTITUTE HOUSE BILL 2640

State of Washington 61st Legislature 2010 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Dickerson, Kagi, Simpson, Kenney, Appleton, Goodman, and Ormsby)

READ FIRST TIME 02/03/10.

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

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

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

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

15 (2) Initial payment for mental health services provided in
16 subsection (1) of this section shall be paid to the provider by the
17 crime victims' compensation program under chapter 7.68 RCW. The
18 department shall reimburse the crime victims' compensation program as
19 provided in subsection (3) of this section.

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

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

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

19 (2) Benefits payable after 1980 to victims injured or killed before
20 1980 shall be reduced by any other public or private insurance
21 including but not limited to social security.

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

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

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

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