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HOUSE BILL 1739

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State of Washington

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By Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford, and Jenkins

Read first time 01/27/17. Referred to Committee on Public Safety.

1 AN ACT Relating to the crime victims' compensation program;  
2 amending RCW 7.68.020, 7.68.030, and 7.68.070; and reenacting and  
3 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) "Criminal act" means an act committed or attempted in this  
23 state which is: (a) Punishable as a federal offense that is  
24 comparable to a felony or gross misdemeanor in this state; (b)  
25 punishable as a felony or gross misdemeanor under the laws of this  
26 state; (c) an act committed outside the state of Washington against a  
27 resident of the state of Washington which would be compensable had it  
28 occurred inside this state and the crime occurred in a state which  
29 does not have a crime victims' compensation program, for which the  
30 victim is eligible as set forth in the Washington compensation law;  
31 or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does  
32 not include the following:

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

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

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

38 (C) The death or injury was the result of the operation of a  
39 motor vehicle after July 24, 1983, and ~~((a preponderance of the  
40 evidence establishes))~~ one of the following applies: (I) The victim

1 submits a letter from the prosecutor of the county in which the crime  
2 occurred or his or her designee certifying there is probable cause to  
3 believe that the death was the result of vehicular homicide under RCW  
4 46.61.520((7)); (II) a conviction of vehicular homicide under RCW  
5 46.61.520 has been obtained; (III) the victim submits a letter from  
6 the prosecutor of the county in which the crime occurred or his or  
7 her designee certifying there is probable cause to believe that the  
8 injury was a result of vehicular assault under RCW 46.61.522; or (IV)  
9 a conviction of vehicular assault under RCW 46.61.522((7)) has been  
10 obtained. In cases where a probable criminal defendant has died in  
11 perpetration of vehicular assault or, in cases where the perpetrator  
12 of the vehicular assault is unascertainable because he or she left  
13 the scene of the accident in violation of RCW 46.52.020 or, because  
14 of physical or mental infirmity or disability the perpetrator is  
15 incapable of standing trial for vehicular assault, the department  
16 may, by a preponderance of the evidence, establish that a vehicular  
17 assault had been committed and authorize benefits;

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

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

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

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

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

34 (6) "Department" means the department of labor and industries.

35 (7) "Financial support for lost wages" means a partial  
36 replacement of lost wages due to a temporary or permanent total  
37 disability.

38 (8) "Gainfully employed" means engaging on a regular and  
39 continuous basis in a lawful activity from which a person derives a  
40 livelihood.

1 (9) "Injury" means a sudden and tangible happening, of a  
2 traumatic nature, producing an immediate or prompt result, and  
3 occurring from without, and such physical conditions as result  
4 therefrom.

5 (10) "Invalid" means one who is physically or mentally  
6 incapacitated from earning wages.

7 (11) "Permanent total disability" means loss of both legs, or  
8 arms, or one leg and one arm, total loss of eyesight, paralysis, or  
9 other condition permanently incapacitating the victim from performing  
10 any work at any gainful occupation.

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

15 (13) "Public insurance" means any source of recompense provided  
16 by statute, state or federal, available as a result of the claimed  
17 injury or death at the time of such injury or death, or which becomes  
18 available any time thereafter.

19 (14) "Temporary total disability" means any condition that  
20 temporarily incapacitates a victim from performing any type of  
21 gainful employment as certified by the victim's attending physician.

22 (15) "Victim" means a person who suffers bodily injury or death  
23 as a proximate result of a criminal act of another person, the  
24 victim's own good faith and reasonable effort to prevent a criminal  
25 act, or his or her good faith effort to apprehend a person reasonably  
26 suspected of engaging in a criminal act. For the purposes of  
27 receiving benefits pursuant to this chapter, "victim" is  
28 interchangeable with "employee" or "worker" as defined in chapter  
29 51.08 RCW as now or hereafter amended.

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

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

1 (2) The director shall:

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

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

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

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

11 (e) Designate a medical director who is licensed under chapter  
12 18.57 or 18.71 RCW;

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

36 (g) In consultation with interested persons, establish and, in  
37 his or her discretion, periodically change as may be necessary, and  
38 make available a fee schedule of the maximum charges to be made by  
39 any physician, surgeon, chiropractor, hospital, druggist, licensed  
40 advanced registered nurse practitioner, and physician assistants as

1 defined in chapters 18.57A and 18.71A RCW, acting under a supervising  
2 physician or other agency or person rendering services to victims.  
3 The department shall coordinate with other state purchasers of health  
4 care services to establish as much consistency and uniformity in  
5 billing and coding practices as possible, taking into account the  
6 unique requirements and differences between programs. No service  
7 covered under this title, including services provided to victims,  
8 whether aliens or other victims, who are not residing in the United  
9 States at the time of receiving the services, shall be charged or  
10 paid at a rate or rates exceeding those specified in such fee  
11 schedule, and no contract providing for greater fees shall be valid  
12 as to the excess. The establishment of such a schedule, exclusive of  
13 conversion factors, does not constitute "agency action" as used in  
14 RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as  
15 used in RCW 34.05.010(16). Payments for providers' services under the  
16 fee schedule established pursuant to this subsection (2)(g) may not  
17 be less than payments provided for comparable services under the  
18 workers' compensation program under Title 51 RCW;

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

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

28 (a) Have power to issue subpoenas to enforce the attendance and  
29 testimony of witnesses and the production and examination of books,  
30 papers, photographs, tapes, and records before the department in  
31 connection with any claim made to the department or any billing  
32 submitted to the department. The superior court has the power to  
33 enforce any such subpoena by proper proceedings;

34 (b)(i) May apply for and obtain a superior court order approving  
35 and authorizing a subpoena in advance of its issuance. The  
36 application may be made in the county where the subpoenaed person  
37 resides or is found, or the county where the subpoenaed records or  
38 documents are located, or in Thurston county. The application must  
39 (A) state that an order is sought pursuant to this subsection; (B)  
40 adequately specify the records, documents, or testimony; and (C)

1 declare under oath that an investigation is being conducted for a  
2 lawfully authorized purpose related to an investigation within the  
3 department's authority and that the subpoenaed documents or testimony  
4 are reasonably related to an investigation within the department's  
5 authority.

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

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

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

21 **Sec. 3.** RCW 7.68.070 and 2011 c 346 s 401 are each amended to  
22 read as follows:

23 The eligibility for benefits under this chapter and the amount  
24 thereof will be governed insofar as is applicable by the provisions  
25 contained in this chapter.

26 (1) Each victim injured as a result of a criminal act, including  
27 criminal acts committed between July 1, 1981, and January 1, 1983, or  
28 the victim's family or beneficiary in case of death of the victim,  
29 are eligible for benefits in accordance with this chapter, subject to  
30 the limitations under RCW 7.68.015. No more than fifty thousand  
31 dollars shall be paid in total per claim, of which nonmedical  
32 benefits shall not exceed forty thousand dollars of the entire claim.  
33 Benefits may include a combination of burial expenses, financial  
34 support for lost wages, and medical expenses.

35 (a) Benefits payable for temporary total disability that results  
36 in financial support for lost wages shall not exceed fifteen thousand  
37 dollars.

38 (b) Benefits payable for a permanent total disability or fatality  
39 that results in financial support for lost wages shall not exceed

1 forty thousand dollars. After at least twelve monthly payments have  
2 been paid, the department shall have the sole discretion to make a  
3 final lump sum payment of the balance remaining.

4 (c) Benefits for disposition of remains or burial expenses shall  
5 not exceed ~~((five))~~ six thousand ~~((seven))~~ one hundred ~~((fifty))~~  
6 seventy dollars per claim. Beginning July 1, 2020, the department  
7 shall adjust the amount in this subsection (1)(c) for inflation every  
8 three years based upon changes in the consumer price index during  
9 that time period. As used in this subsection (1)(c), "consumer price  
10 index" means the consumer price index compiled by the bureau of labor  
11 statistics, United States department of labor for the state of  
12 Washington. If the bureau of labor statistics develops more than one  
13 consumer price index for areas within the state, the index covering  
14 the greatest number of people, covering areas exclusively within the  
15 boundaries of the state, and including all items shall be used.

16 (2) If the victim was not gainfully employed at the time of the  
17 criminal act or for a total of twelve weeks in the six months  
18 preceding the date of the criminal act, no financial support for lost  
19 wages will be paid to the victim or any beneficiaries.

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

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

25 (5) When the director determines that a temporary total  
26 disability results in a loss of wages, the victim shall receive  
27 monthly subject to subsection (1) of this section, during the period  
28 of disability, sixty percent of the victim's monthly wage but no more  
29 than one hundred percent of the state's average monthly wage as  
30 defined in RCW 7.68.020. The minimum monthly payment shall be no less  
31 than five hundred dollars. Monthly wages shall be based upon employer  
32 wage statements, employment security records, or documents reported  
33 to and certified by the internal revenue service. Monthly wages must  
34 be determined using the actual documented monthly wage or averaging  
35 the total wages earned for up to twelve successive calendar months  
36 preceding the injury. In cases where the victim's wages and hours are  
37 fixed, they shall be determined by multiplying the daily wage the  
38 victim was receiving at the time of the injury:

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

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



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

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

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

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

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

11 (6) When the director determines that a permanent total  
12 disability or death results in a loss of wages, the victim or  
13 eligible spouse shall receive the monthly payments established in  
14 this subsection, not to exceed forty thousand dollars or the limits  
15 established in this chapter.

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

19 (8) In the case of death, if there is no eligible spouse,  
20 benefits shall be paid to the child or children of the deceased  
21 victim. If there is no spouse or children, no payments shall be made  
22 under this section. If the spouse remarries before this benefit is  
23 paid in full benefits shall be paid to the victim's child or children  
24 and the spouse shall not receive further payment. If there is no  
25 child or children no further payments will be made.

26 (9) The benefits for disposition of remains or burial expenses  
27 shall not exceed ~~((five))~~ six thousand ~~((seven))~~ one hundred  
28 ~~((fifty))~~ seventy dollars per claim and to receive reimbursement for  
29 expenses related to the disposition of remains or burial, the  
30 department must receive an itemized statement from a provider of  
31 services ~~((within twelve months of the date upon which the death of  
32 the victim is officially recognized as a homicide. If there is a  
33 delay in the recovery of remains or the release of remains for  
34 disposition or burial, an itemized statement from a provider of  
35 services must be received within twelve months of the date of the  
36 release of the remains))~~. Beginning July 1, 2020, the department  
37 shall adjust the amount in this subsection (9) for inflation every  
38 three years based upon changes in the consumer price index during  
39 that time period. As used in this subsection (9), "consumer price  
40 index" means the consumer price index compiled by the bureau of labor

1 statistics, United States department of labor for the state of  
2 Washington. If the bureau of labor statistics develops more than one  
3 consumer price index for areas within the state, the index covering  
4 the greatest number of people, covering areas exclusively within the  
5 boundaries of the state, and including all items shall be used.

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

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

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

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

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

29 **Sec. 4.** RCW 7.68.080 and 2011 1st sp.s. c 15 s 69 and 2011 c 346  
30 s 501 are each reenacted and amended to read as follows:

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

36 (2) In the case of alleged rape or molestation of a child, the  
37 reasonable costs of a colposcopy examination shall be reimbursed by  
38 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. In establishing fees for medical  
11 and other health care services, the director shall consider the  
12 director's duty to purchase health care in a prudent, cost-effective  
13 manner. The director shall establish rules adopted in accordance with  
14 chapter 34.05 RCW. Nothing in this chapter may be construed to  
15 require the payment of interest on any billing, fee, or charge.

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

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

33 (6) Immediate family members of a homicide victim may receive  
34 appropriate counseling to assist in dealing with the immediate,  
35 near-term consequences of the related effects of the homicide. Up to  
36 twelve counseling sessions may be received (~~for one year~~) after the  
37 crime victim's claim has been allowed. Fees for counseling shall be  
38 determined by the department in accordance with and subject to this  
39 section. Payment of counseling benefits under this section may not be  
40 provided to the perpetrator of the homicide. The benefits under this

1 subsection may be provided only with respect to homicides committed  
2 on or after July 1, 1992.

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

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

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

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

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

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

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

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

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