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**HOUSE BILL 1501**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves, and Graham

Read first time 01/23/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to authorizing additional counseling services for  
2 immediate family members of homicide victims; and amending RCW  
3 7.68.080.

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

5 **Sec. 1.** RCW 7.68.080 and 2017 c 235 s 6 are each amended to read  
6 as follows:

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

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

17 (3) The director shall adopt rules for fees and charges for  
18 hospital, clinic, medical, and other health care services, including  
19 fees and costs for durable medical equipment, eyeglasses, hearing  
20 aids, and other medically necessary devices for crime victims under  
21 this chapter. The director shall set these service levels and fees at

1 a level no lower than those established for comparable services under  
2 the workers' compensation program under Title 51 RCW, except the  
3 director shall comply with the requirements of RCW 7.68.030(2)(g) (i)  
4 through (iii) when setting service levels and fees, including  
5 reducing levels and fees when required. In establishing fees for  
6 medical and other health care services, the director shall consider  
7 the director's duty to purchase health care in a prudent, cost-  
8 effective manner. The director shall establish rules adopted in  
9 accordance with chapter 34.05 RCW. Nothing in this chapter may be  
10 construed to require the payment of interest on any billing, fee, or  
11 charge.

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

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

29 (6) (a) Immediate family members of a homicide victim may receive  
30 appropriate counseling to assist in dealing with the immediate,  
31 near-term consequences of the related effects of the homicide. ~~((Up))~~  
32 Except as provided in (b) of this subsection, up to ~~((twelve))~~ 12  
33 counseling sessions may be received after the crime victim's claim  
34 has been allowed. Fees for counseling shall be determined by the  
35 department in accordance with and subject to this section. Payment of  
36 counseling benefits under this section may not be provided to the  
37 perpetrator of the homicide. The benefits under this subsection may  
38 be provided only with respect to homicides committed on or after July  
39 1, 1992.

1 (b) More than 12 counseling sessions may be received under this  
2 subsection (6) if a licensed behavioral health provider acting within  
3 his or her scope of practice determines that:

4 (i) The unmet behavioral health needs of the recipient of the  
5 services directly resulted from near-term consequences of the related  
6 effects of the homicide; and

7 (ii) The recipient of the services would benefit from an  
8 additional number of sessions.

9 (7) Pursuant to RCW 7.68.070(~~((12))~~) (13), a victim of a sex  
10 offense that occurred outside of Washington may be eligible to  
11 receive mental health counseling related to participation in  
12 proceedings to civilly commit a perpetrator.

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

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

28 (a) Examine all records, or portions thereof, including patient  
29 records, for which services were rendered by a health care provider  
30 and reimbursed by the department, notwithstanding the provisions of  
31 any other statute which may make or purport to make such records  
32 privileged or confidential, except that no original patient records  
33 shall be removed from the premises of the health care provider, and  
34 that the disclosure of any records or information obtained under  
35 authority of this section by the department is prohibited and  
36 constitutes a violation of RCW 42.52.050, unless such disclosure is  
37 directly connected to the official duties of the department. The  
38 disclosure of patient information as required under this section  
39 shall not subject any physician, licensed advanced registered nurse  
40 practitioner, or other health care provider to any liability for

1 breach of any confidential relationships between the provider and the  
2 patient. The director or the director's authorized representative  
3 shall destroy all copies of patient medical records in their  
4 possession upon completion of the audit, investigation, or  
5 proceedings;

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

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

10 (d) Pursue collection of unpaid overpayments and/or penalties  
11 plus interest accrued from health care providers pursuant to RCW  
12 51.32.240(6).

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

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