

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1501

Chapter 152, Laws of 2023

68th Legislature
2023 Regular Session

FAMILY MEMBERS OF HOMICIDE VICTIMS—COUNSELING SERVICES

EFFECTIVE DATE: July 23, 2023

Passed by the House February 28, 2023
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved April 20, 2023 2:51 PM

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 **SUBSTITUTE HOUSE BILL 1501** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 21, 2023

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1501

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves, and Graham)

READ FIRST TIME 02/16/23.

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) The immediate family members of a homicide victim may receive
2 more than 12 counseling sessions under this subsection (6) if a
3 licensed mental health provider determines that:

4 (i) Additional sessions are needed as a direct result of the
5 near-term consequences of the related effects of the homicide; and

6 (ii) The recipient of the counseling would benefit from
7 additional sessions.

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

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

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

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

1 patient. The director or the director's authorized representative
2 shall destroy all copies of patient medical records in their
3 possession upon completion of the audit, investigation, or
4 proceedings;

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

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

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

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

Passed by the House February 28, 2023.

Passed by the Senate April 10, 2023.

Approved by the Governor April 20, 2023.

Filed in Office of Secretary of State April 21, 2023.

--- END ---