



Washington State Department of
Labor & Industries

Child Physical Abuse Exams

2020 Annual Report to the Legislature

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Introduction

The Department of Labor & Industries' (L&I) Crime Victims Compensation (CVC) program assists victims with costs associated with violent crime. The CVC program provides financial compensation to crime victims for expenses such as medical bills, loss of financial support, and funeral expenses.

The CVC program is a payer of last resort, after all other financial sources (such as medical, auto or life insurance) have been exhausted. Victims who suffer bodily injury or emotional trauma from a crime may be eligible for assistance, provided funds are available.

BACKGROUND

In 2015, the Washington State Legislature passed Engrossed Substitute Senate Bill (ESSB) 5897, which authorized L&I's CVC program to pay for forensic exams for child victims of physical abuse (CPA), with two stipulations:

- L&I would only cover exams as a secondary payor for victims with primary medical insurance coverage. Victims without medical insurance would have the exams covered by L&I in accordance with the CVC fee schedule.
- L&I would only pay for exams if the Department of Social and Health Services conducted a dependency hearing within 75 days of the exam being performed.

During the 2015 legislative session, a group of legislators, Child Advocacy Centers Advocates, and medical professionals expressed concerns that sexual assault exams were fully covered by the CVC program without the need for any further criteria being met, but not exams for child victims of physical abuse. For example, in a family with one child who is sexually abused and one child who is physically abused, one child – the one who was a victim of sexual assault - would have an exam fully covered by the CVC program; but the other child – the victim of physical abuse – would be required to file a proper claim, including a police report, and wait for claim approval before getting the exam.

When ESSB 5897 became law, it required that physical abuse exams be covered without stipulations about eligibility criteria..

The law expired June 30, 2019. In the 2020 supplemental operating budget, the Washington State Legislature appropriated \$50,000 for L&I to pay for child physical abuse examinations. It also required L&I to report to the legislature by September 30, 2020 regarding:

- The type of claims received from victims of suspected child abuse
- The total number of claims received from victims of suspected child abuse
- The type of claims paid to victims of suspected child abuse
- The total number of claims paid to victims of suspected child abuse

- The total amount of claims paid to victims of suspected child abuse

This report provides the required information.

Reporting Requirements

TYPE OF CLAIMS RECEIVED

For purposes of this report, all claims that are included were received for suspected child abuse. The types of incidents include children as young as two months old reporting to an emergency room with non-accidental trauma such as skull fractures, rib and and leg fractures, suspicious bruising, and bite marks.

TOTAL NUMBER OF CLAIMS RECEIVED

From July 1, 2015 to June 30, 2020, L&I received over 27,000 regular Crime Victims' Compensation claims, over 20,000 sexual assault exam claims, and more than 600 claims for child physical abuse exams. The total billed for the child physical abuse exams was \$706,000.

Figure 1: Number of claims received (as of September 2020)

Fiscal year	Number of claims
FY 2016	107
FY 2017	130
FY 2018	155
FY 2019	129
FY 2020	116
Total	637

TYPE OF CLAIMS PAID

All claims paid were for child abuse forensic examinations. The services provided during an exam depend on the nature of the victim's injuries. The exams cover a wide array of services such as x-rays, CT scans, medical examination, and documentation of injuries. Lab work may be included if needed. When the CVC program pays for services as either a primary or secondary payor, services are paid in accordance with the CVC fee schedule.

TOTAL NUMBER AND AMOUNT OF CLAIMS PAID

Of the more than 600 child abuse forensic exams conducted in response to claims filed with the CVC program since 2015, seven (7) were paid for by the program, for a total of \$2,100. These numbers are included in Figure 2. As shown in Figure 3, the remaining claims (629) were either paid for by private insurance, or not covered because a dependency hearing was not conducted, or the claim was covered as a

sexual assault exam, or not covered because they were filed between the time the law expired and the budget proviso allowed for payment.

Figure 2: Claims paid by L&I

Total number of claims paid	7
Total amount of claims paid	\$2,100

Figure 3: Claims not paid by L&I

Reason for no payment	Number of claims	Estimated Cost ²
Not covered due to primary insurance available.	349	\$301,885
Not covered due to no dependency hearing conducted. ¹	134	\$115,910
Covered as a sexual assault exam in lieu of child physical abuse exam	80	NA
Not Covered due to use of unregistered providers, incorrect billing codes, and claims coded as child physical abuse in error.	59	\$51,035
Not covered because exams were conducted after the expiration of RCW 7.68.068 (SSB 5897) on June 30, 2019.	7	0

Notes

1) *Some common reasons hearings are not conducted as reported by DCYF:*

- *Cases are dismissed any time prior to the establishing a dependency (within the first 75 days). A safety assessment indicates the child is safe to go home.*
- *Cases are continued in Shelter Care status when there are services or assessments that need to be completed before the child is safe enough to go home.*

2) *Estimated costs are based on CVC paying as a primary payor.*

Conclusion

Since 2015, L&I has received over 600 claims for child physical abuse exams, totaling more than \$700,000. Due to other insurance coverage, timing and eligibility issues, L&I paid for seven of these claims totaling over \$2,000.

The law allowing the CVC program to pay for forensic exams for child victims of physical abuse expired on June 30, 2019; however, child victims of physical abuse are eligible to file a regular CVC claim or have a claim filed for them and receive benefits, including payment for the exam. These claims, if filed, must meet all other CVC program eligibility criteria, and the CVC program must act as a secondary payor if appropriate.

During the 2020 legislative session, the legislature provided funding to resume coverage for these exams in the current biennium only.