

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1910

By: Boles and McEntire

AS INTRODUCED

An Act relating to crimes and punishments; amending
21 O.S. 2011, Section 142.9, which relates to the
Oklahoma Crime Victims Compensation Act; applying
debt collection requirements to other service
providers; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142.9, is
amended to read as follows:

Section 142.9 A. Any person filing a claim under the
provisions of Section 142.1 et seq. of this title shall be deemed to
have waived any physician-patient privilege as to communications or
records relevant to an issue of the physical, mental or emotional
conditions of the claimant.

B. If the mental, physical or emotional condition of a claimant
is material to a claim, the Crime Victims Compensation Board upon
good cause shown may order the claimant to submit to a mental or
physical examination. The examination report shall set out the
findings of the person making the report, including results of all

1 tests made, diagnoses, prognoses and other conclusions and reports
2 of earlier examinations of the same conditions.

3 C. The Board shall furnish a copy of the examination report
4 ~~examined~~. If the victim is deceased, the Board, on request, shall
5 furnish a copy of the report to the claimant.

6 D. The Board may require the claimant to supply any additional
7 medical or psychological reports available relating to the injury or
8 death for which compensation is claimed.

9 E. In certain cases wherein mental health expenses are being
10 claimed, the Board and Administrator of the Crime Victims
11 Compensation Board may request assistance from a panel of
12 professionals in the mental health field. The panel of
13 professionals may only act in an advisory capacity to the Board.

14 F. The Board shall have the authority to set limits of
15 compensation on any medical or mental health treatment, and require
16 that providers of medical or mental health ~~treatments~~ treatment be
17 licensed prior to compensating for said treatment. Awards for all
18 medical services shall not exceed eighty percent (80%) of the total
19 cost of the service less any other reduction for contributory
20 conduct, as determined by the Board. Any medical provider that
21 receives payment from the Crime Victims Compensation Revolving Fund
22 for medical, dental or psychological services, or any provider that
23 supplies equipment pursuant to an award under the Oklahoma Crime
24 Victims Compensation Act shall, as a condition of the receipt of

1 such payment, accept such payment as discharging in full any and all
2 obligations of the claimant to pay, reimburse or compensate the
3 provider for medical services, supplies or equipment that have been
4 reimbursed pursuant to the Oklahoma Crime Victims Compensation Act.
5 In the event the claimant has paid for a medical service, the
6 claimant will be reimbursed for the out-of-pocket loss, less any
7 reductions for contributory conduct, as determined by the Board.

8 G. All records and information given to the Board to process a
9 claim on behalf of a crime victim shall be confidential. Such
10 exhibits, medical records, psychological records, counseling
11 records, work records, criminal investigation records, criminal
12 court case records, witness statements, telephone records, and other
13 records of any type or nature whatsoever gathered for the purpose of
14 evaluating whether to compensate a victim shall not be obtainable by
15 any party to any civil or criminal action through any discovery
16 process except:

17 1. In the event of an appeal under the Administrative
18 Procedures Act from a decision of the Board and then only to the
19 extent narrowly and necessarily to obtain court review; or

20 2. Upon a strict showing to the court in a separate civil or
21 criminal action that particular information or documents are not
22 obtainable after diligent effort from any independent source, and
23 are known to exist otherwise only in Board records, the court may
24 inspect in camera such records to determine whether the specific

1 requested information exists. If the court determines the specific
2 information sought exists in the Board's records, the documents may
3 then be released only by court order if the court finds as part of
4 its order that the documents will not pose any threat to the safety
5 of the victim or any other person whose identity may appear in the
6 Board's records.

7 H. When a person files a claim, all ~~health-care~~ providers that
8 have been given notice of a pending claim shall refrain from all
9 debt collection activities relating to medical treatment or other
10 services received by the person in connection with such claim until
11 an award is made on the claim or until a claim is determined to be
12 noncompensable pursuant to the provisions of this act. The statute
13 of limitations for collection of such debt shall be tolled during
14 the period in which the applicable health care provider or other
15 service provider is required to refrain from debt collection
16 activities under this subsection. For the purposes of this
17 subsection, "debt collection activities" means repeatedly calling or
18 writing to the claimant and threatening either to turn the matter
19 over to a debt collection agency or to an attorney for collection,
20 enforcement, or filing of other process. The term shall not include
21 routine billing about the status of the claim.

22 SECTION 2. This act shall become effective November 1, 2019.
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24 57-1-7634 GRS 01/15/19