

House Bill 2449: What MDTs and Community Partners Need to Know

During the 2009 legislative session, House Bill (HB) 2449 passed, bringing with it a few important changes that MDTs and community partners need to be aware of. The following is a summary of the three key changes.

Adjustment to Karly's Law

HB 2449 Section 1 (2) states:

*If a person conducting an investigation under ORS 419B.020 observes a child who has suffered a suspicious physical injury and the person **is certain or** has a reasonable suspicion that the injury **is or** may be the result of abuse, the person shall, in accordance with the protocols and procedures of the county multidisciplinary child abuse team described in ORS 418.747:*

- (a) Immediately photograph or cause to have photographed the suspicious physical injuries in accordance with ORS 419B.028; and*
- (b) Ensure that a designated medical professional conducts a medical assessment within 48 hours or sooner if dictated by the child's medical needs.*

As you can see from the underlined language above, this change in Karly's Law was designed to close the loop on so-called "slam dunk" cases in which the investigator or child welfare worker knows that the suspicious physical injury was caused by abuse. Previously, some investigators had been interpreting these cases as no longer being suspicious, and therefore not following the requirements of Karly's Law which was contrary to the legislative intent of the law that these children be seen by a trained medical professional. This legislative change clarifies how those cases are to be addressed.

Regional Service Provider Application Requirements

During the most recent Regional Service Provider grant application process, the Department noticed that there were many statutory requirements of the application that were out of date or not applicable to core regional services. HB 2449 removed all of those requirements and stated that the application would now "*include information required by the rules of the Department of Justice and any other information requested by the Department.*" The change reduces the application work load for applicants and allows the Department to customize the application around core regional services.

Medical Assessment Payments Under Crime Victims Compensation (CVC)

As Karly's Law was implemented, a few cases came to light in which parents were billed for a Karly's Law medical assessment. This happened in unique situations where the child was seen at a hospital or by their primary care provider and the case was unfounded. By statute, CVC can only pay for expenses incurred by a victim of a compensable crime, or for medical assessments as defined in ORS 418.782. When the case is unfounded, the child is not a victim of a compensable crime. When the child is seen in a hospital, or by their primary care physician, those exams do not meet the definition of a medical assessment as defined by statute, preventing CVC from being able to pay for these exams.

Section 3 (2) of HB 2449 changed the CVC statute to state:

- (2) The Department of Justice may pay compensation for child abuse medical assessments or medical examinations required by ORS 419B.023 regardless of whether a finding of abuse is made and only if other insurance is unavailable. If the Department pays compensation, the Department shall pay the compensation directly to the provider of those services. * * **

Under the changes from HB 2449, CVC is now able to pay for those Karly's Law exams on unfounded child abuse cases in which the exams are conducted at a hospital or by the child's primary care physician.

All of the changes in HB 2449 become effective January 1, 2010.