

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 125
HOUSE BILL 2375

AN ACT

AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES; RELATING TO THE VICTIM
COMPENSATION AND ASSISTANCE FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2407, Arizona Revised Statutes, is amended to
3 read:

4 41-2407. Victim compensation and assistance fund;
5 subrogation; prohibited debt collection activity;
6 definition

7 A. The victim compensation and assistance fund is established. The
8 Arizona criminal justice commission shall administer the fund. The victim
9 compensation and assistance fund shall consist of monies collected
10 pursuant to section 12-116.01 and distributed pursuant to section 41-2401,
11 subsection D, paragraph 14, monies collected pursuant to section 31-411,
12 subsection E and sections 13-4311, 31-418, 31-467.06 and 41-1674,
13 unclaimed victim restitution monies pursuant to section 44-313 and monies
14 available from any other source.

15 B. Subject to legislative appropriation, the Arizona criminal
16 justice commission shall allocate monies in the victim compensation and
17 assistance fund to public and private agencies for the purpose of
18 establishing, maintaining and supporting programs that compensate and
19 assist victims of crime.

20 C. The allocation of monies pursuant to this section shall be made
21 in accordance with rules adopted by the Arizona criminal justice
22 commission pursuant to section 41-2405, subsection A, paragraph 8. The
23 rules shall provide that persons who suffered personal injury or death
24 that resulted from an attempt to aid a public safety officer in the
25 prevention of a crime or the apprehension of a criminal may be eligible
26 for compensation.

27 D. This state and the applicable operational unit or qualified
28 program, as defined in the victim compensation program rules, are
29 subrogated to the rights of an individual who receives monies from the
30 victim compensation and assistance fund to recover or receive monies or
31 benefits from a third party, to the extent of the amount of monies the
32 individual receives from the fund.

33 E. A LICENSED HEALTH CARE PROVIDER WHO AGREES TO THE VICTIM
34 COMPENSATION PROGRAM RULES MAY RECEIVE PROGRAM MONIES FOR PROVIDING HEALTH
35 AND MEDICAL SERVICES TO A VICTIM OR CLAIMANT. A LICENSED HEALTH CARE
36 PROVIDER WHO ACCEPTS THE FULL ALLOWABLE PAYMENT FOR THOSE SERVICES FROM A
37 VICTIM COMPENSATION PROGRAM FUNDED PURSUANT TO THIS SECTION IS DEEMED TO
38 HAVE ACCEPTED THE PAYMENT AS THE FULL PAYMENT FOR THOSE SERVICES. THE
39 LICENSED HEALTH CARE PROVIDER MAY NOT COLLECT OR ATTEMPT TO COLLECT ANY
40 PAYMENT FOR THE SAME HEALTH AND MEDICAL SERVICES FROM THE VICTIM OR
41 CLAIMANT, EXCEPT THAT IF A VICTIM COMPENSATION PROGRAM FUNDED PURSUANT TO
42 THIS SECTION IS UNABLE TO PAY THE FULL ALLOWABLE PAYMENT TO A LICENSED
43 HEALTH CARE PROVIDER BECAUSE OF A LACK OF AVAILABLE MONIES OR FOR ANY
44 OTHER REASON, THE LICENSED HEALTH CARE PROVIDER MAY COLLECT THE UNPAID
45 BALANCE FOR THE SERVICES FROM THE VICTIM OR CLAIMANT OR FROM A THIRD-PARTY

1 PAYOR, AND THE TOTAL AMOUNT BILLED OR REQUESTED BY THE LICENSED HEALTH
2 CARE PROVIDER MAY NOT EXCEED THE FULL ALLOWABLE PAYMENT THAT THE LICENSED
3 HEALTH CARE PROVIDER AGREED TO ACCEPT FROM THE VICTIM COMPENSATION PROGRAM
4 FOR THE SERVICES.

5 F. IF A LICENSED HEALTH CARE PROVIDER RECEIVES NOTICE THAT A PERSON
6 HAS FILED A CLAIM WITH A VICTIM COMPENSATION PROGRAM FUNDED BY THIS
7 SECTION, THE LICENSED HEALTH CARE PROVIDER IS PROHIBITED FROM ANY DEBT
8 COLLECTION ACTIVITY FOR ANY MONIES OWED BY THE PERSON THAT ARE INCLUDED IN
9 THE FILED CLAIM UNTIL AN AWARD IS MADE ON THE CLAIM OR UNTIL A
10 DETERMINATION IS MADE THAT THE CLAIM IS NONCOMPENSABLE. FOR THE PURPOSES
11 OF THIS SUBSECTION, "DEBT COLLECTION ACTIVITY" INCLUDES REPEATEDLY
12 TELEPHONING OR WRITING TO THE CLAIMANT AND THREATENING TO EITHER TURN THE
13 MATTER OVER TO A DEBT COLLECTION AGENCY OR TO AN ATTORNEY FOR COLLECTION,
14 ENFORCEMENT OR FILING OF ANY OTHER DEBT COLLECTION PROCESS. DEBT
15 COLLECTION ACTIVITY DOES NOT INCLUDE ROUTINE BILLING OR INQUIRIES ABOUT
16 THE STATUS OF THE CLAIM.

17 G. FOR THE PURPOSES OF THIS SECTION, "LICENSED HEALTH CARE
18 PROVIDER" MEANS A PERSON OR INSTITUTION THAT IS LICENSED OR CERTIFIED BY
19 THIS STATE TO PROVIDE HEALTH CARE SERVICES, MEDICAL SERVICES, NURSING
20 SERVICES, EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES THAT ARE
21 REGULATED PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2 OR OTHER
22 HEALTH-RELATED SERVICES.

APPROVED BY THE GOVERNOR MARCH 31, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2017.

Passed the House February 21, 20 17

Passed the Senate March 29, 20 17

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting


Speaker of the House
 Pro Tempore


President of the Senate


Chief Clerk of the House

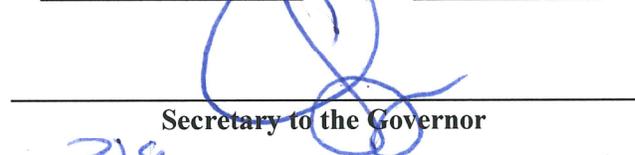

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

30th day of March, 20 17

at 1:11 o'clock P. M.


Secretary to the Governor

Approved this 31st day of

March, 2017

at 3:13 o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 31 day of March, 20 17

at 4:47 o'clock P. M.


Secretary of State