
SENATE BILL 5409

State of Washington

55th Legislature

1997 Regular Session

By Senators Long, Thibaudeau, Kohl, Wojahn, Kline and Winsley; by request of Governor Lowry

Read first time 01/24/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to child death review and prevention; amending RCW
2 70.05.170; adding a new section to chapter 42.17 RCW; and adding a new
3 chapter to Title 70 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.05.170 and 1993 c 41 s 1 are each amended to read
6 as follows:

7 (1)(a) The legislature finds that the mortality rate in Washington
8 state among infants and children less than eighteen years of age is
9 unacceptably high, and that such mortality may be preventable. The
10 legislature further finds that, through the performance of child
11 ~~((mortality))~~ death reviews, preventable causes of child mortality can
12 be identified and addressed, thereby reducing the infant and child
13 mortality in Washington state.

14 (b) It is the intent of the legislature ~~((to encourage the
15 performance of child death reviews by local health departments by))~~
16 that community-based, multidisciplinary child death review will occur
17 while providing necessary legal protections to the families of children
18 whose deaths are studied, ~~((local health department officials and
19 employees))~~ using local and state child death review teams, and

1 ((health care professionals participating)) other participants in child
2 ((mortality)) death review ((committee)) activities.

3 (2) ((As used in this section, "child mortality review" means a
4 process authorized by a local health department as such department is
5 defined in RCW 70.05.010 for examining factors that contribute to
6 deaths of children less than eighteen years of age. The process may
7 include a systematic review of medical, clinical, and hospital records;
8 home interviews of parents and caretakers of children who have died;
9 analysis of individual case information; and review of this information
10 by a team of professionals in order to identify modifiable medical,
11 socioeconomic, public health, behavioral, administrative, educational,
12 and environmental factors associated with each death.

13 (3) Local health departments are authorized to conduct child
14 mortality reviews. In conducting such reviews, the following
15 provisions shall apply:

16 (a) All medical records, reports, and statements procured by,
17 furnished to, or maintained by a local health department pursuant to
18 chapter 70.02 RCW for purposes of a child mortality review are
19 confidential insofar as the identity of an individual child and his or
20 her adoptive or natural parents is concerned. Such records may be used
21 solely by local health departments for the purposes of the review.
22 This section does not prevent a local health department from publishing
23 statistical compilations and reports related to the child mortality
24 review, if such compilations and reports do not identify individual
25 cases and sources of information.

26 (b) Any records or documents supplied or maintained for the
27 purposes of a child mortality review are not subject to discovery or
28 subpoena in any administrative, civil, or criminal proceeding related
29 to the death of a child reviewed. This provision shall not restrict or
30 limit the discovery or subpoena from a health care provider of records
31 or documents maintained by such health care provider in the ordinary
32 course of business, whether or not such records or documents may have
33 been supplied to a local health department pursuant to this section.

34 (c) Any summaries or analyses of records, documents, or records of
35 interviews prepared exclusively for purposes of a child mortality
36 review are not subject to discovery, subpoena, or introduction into
37 evidence in any administrative, civil, or criminal proceeding related
38 to the death of a child reviewed.

1 ~~(d) No local health department official or employee, and no members~~
2 ~~of technical committees established to perform case reviews of selected~~
3 ~~child deaths may be examined in any administrative, civil, or criminal~~
4 ~~proceeding as to the existence or contents of documents assembled,~~
5 ~~prepared, or maintained for purposes of a child mortality review.~~

6 ~~(e) This section shall not be construed to prohibit or restrict any~~
7 ~~person from reporting suspected child abuse or neglect under chapter~~
8 ~~26.44 RCW nor to limit access to or use of any records, documents,~~
9 ~~information, or testimony in any civil or criminal action arising out~~
10 ~~of any report made pursuant to chapter 26.44 RCW)) Chapter . . . , Laws~~
11 ~~of 1997 (this act) authorizes the department of health, in conjunction~~
12 ~~with the department of social and health services to:~~

13 (a) Consolidate and integrate all child death review activities;

14 (b) Review of all sudden, unexpected deaths of children from birth
15 through seventeen years of age;

16 (c) Development of protocols for consistency regarding child death
17 scene investigation and review processes;

18 (d) Collection and analysis of standard data, including the
19 development of a centralized child death data base;

20 (e) Reporting strategies to reduce the incidence of unexpected
21 child death;

22 (f) Providing technical assistance and training to state and local
23 child death review teams; and

24 (g) Considering and incorporating, as appropriate, recommendations
25 of state and local teams into agency operating procedures.

26 NEW SECTION. Sec. 2. As used in chapter . . . , Laws of 1997 (this
27 act), the following terms have the meanings indicated unless the
28 context clearly indicates otherwise.

29 (1) "Child death review" means a systematic review of medical,
30 clinical, and hospital records; home interviews of parents and
31 caretakers of children who have died; analysis of individual case
32 information; and review of this information by a multidisciplinary team
33 of professionals in order to identify modifiable medical,
34 socioeconomic, public health, behavioral, administrative, educational,
35 and environmental factors associated with child death.

36 (2) "Child" or "children" means a person less than eighteen years
37 of age.

1 (3) "Consistent process" means the use of a standard set of
2 protocols that ensures the comprehensive evaluation of circumstances
3 leading up to and all aspects of the sudden or unexpected death of a
4 child.

5 (4) "Department" means the department of health.

6 (5) "Local child death review and prevention teams" or "local team"
7 means a multidisciplinary, multiagency team, which may include, but is
8 not limited to, professionals in the area of law enforcement, medicine,
9 mental health, pathology, social services, chemical dependency
10 treatment, child welfare, tribal governments, military, public health,
11 and social work and representation from the foster parent community and
12 the general public, who perform a comprehensive evaluation of
13 circumstances leading up to the unexpected death of a child.

14 (6) "State child death review and prevention team" or "state team"
15 means that entity which may include, but is not limited to, the state
16 child, youth, and family ombudsman, and professionals in the area of
17 law enforcement, medicine, mental health, pathology, chemical
18 dependency treatment, social services, military, tribal governments,
19 and public health for the purposes of conducting state child death
20 review activities.

21 (7) "Unexpected death" means a death not resulting from a diagnosed
22 terminal illness or other debilitating or deteriorating illness or
23 condition where death is anticipated.

24 NEW SECTION. **Sec. 3.** (1) Local health departments in conjunction
25 with regional offices of the department of social and health services
26 have primary responsibility for the assurance that local child death
27 review teams review all sudden, unexpected deaths of children. These
28 reviews will:

29 (a) Report activities and aggregate data, on an annual basis, in a
30 consistent process;

31 (b) Identify and refer to the state team those cases requiring
32 further review;

33 (c) Report findings of child death reviews to appropriate local and
34 state agencies, and the state child death review team; and

35 (d) Recommend strategies and solutions to local and state agencies
36 regarding the prevention of unexpected child death.

37 (2) Local teams may access all relevant records, reports, and
38 statements for purposes of conducting child death reviews, including

1 but not limited to health care records, mental health records,
2 substance abuse treatment records, child welfare records, birth
3 records, and law enforcement records, so long as release of the records
4 does not impair a law enforcement investigation. Records accessed by
5 local teams are not subject to public disclosure, but information from
6 the records can be used for statistical purposes. Local teams may also
7 access statistical records in the state child death review data base
8 occurring in their jurisdiction.

9 NEW SECTION. **Sec. 4.** (1) The state child death review team will
10 coordinate and monitor the activities of local child death review
11 teams, and will:

- 12 (a) Provide consultation and training to local teams;
- 13 (b) Compile and provide child death review reports;
- 14 (c) Consider the recommendations of local teams;
- 15 (d) Recommend strategies and solutions to state agencies regarding
16 the prevention of unexpected child death; and
- 17 (e) Review cases that have been identified by local teams as
18 needing further review.

19 (2) The state team may access all relevant records, reports, and
20 statements for purposes of conducting child death reviews including but
21 not limited to health care records, mental health records, substance
22 abuse treatment records, child welfare records, birth records, and law
23 enforcement records, so long as release of the records does not impair
24 a law enforcement investigation. Records accessed by local teams are
25 not subject to public disclosure, but information from the records can
26 be used for statistical purposes.

27 NEW SECTION. **Sec. 5.** Local and state child death review teams are
28 authorized to conduct child death reviews. In conducting the reviews,
29 the following rules apply:

- 30 (1) All medical records or documents maintained by local and state
31 teams for purposes of a child death review are confidential and not
32 subject to public disclosure. The records may be used solely by local
33 and state teams for the purposes of review. This section does not
34 prevent a local or state team from publishing statistical compilations
35 and reports related to the child death review, as long as the
36 compilations and reports do not identify individual cases and sources
37 of information.

1 (2) All records or documents maintained by local and state teams
2 for the purposes of a child death review are not subject to discovery
3 or subpoena in any administrative, civil, or criminal proceeding. This
4 subsection does not restrict or limit the discovery or subpoena from a
5 health care provider of records or documents maintained by the health
6 care provider in the ordinary course of business, whether or not the
7 records or documents may have been supplied to a local or state team
8 under this section.

9 (3) Any summaries or analyses of records, documents, or records of
10 interviews prepared exclusively for purposes of a child death review
11 are not subject to discovery, subpoena, or introduction into evidence
12 in any administrative, civil, or criminal proceeding related to the
13 death of a child reviewed.

14 (4) A local or state team employee or a member of technical
15 committees established to perform case reviews of selected child deaths
16 shall not be examined in any administrative, civil, or criminal
17 proceeding as to any information regarding child death reviews or the
18 existence or contents of documents assembled, prepared, or maintained
19 for purposes of a child death review.

20 (5) This section does not prohibit or restrict a person from
21 reporting suspected child abuse or neglect under chapter 26.44 RCW, or
22 limit access to or use of any records, documents, information, or
23 testimony in any civil or criminal action arising out of a report made
24 under chapter 26.44 RCW.

25 NEW SECTION. **Sec. 6.** The department of health and the department
26 of social and health services may adopt rules as necessary for
27 implementation of chapter . . . , Laws of 1997 (this act).

28 NEW SECTION. **Sec. 7.** Chapter . . . , Laws of 1997 (this act) may
29 be known and cited as the child death review and prevention act.

30 NEW SECTION. **Sec. 8.** Chapter . . . , Laws of 1997 (this act) does
31 not supersede local regulations or initiatives that exceed the scope of
32 the activities described in chapter . . . , Laws of 1997 (this act).

33 NEW SECTION. **Sec. 9.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 Records compiled and used by local and state child death review
6 teams are not subject to public disclosure.

7 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act constitute
8 a new chapter in Title 70 RCW.

--- END ---