
SUBSTITUTE HOUSE BILL 1303

State of Washington 61st Legislature 2009 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Moeller, Green, and Roberts)

READ FIRST TIME 02/10/09.

1 AN ACT Relating to child mortality review; and amending RCW
2 70.05.170.

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

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

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

13 (b) It is the intent of the legislature to encourage the
14 performance of child death reviews by local health departments by
15 providing necessary legal protections to the families of children whose
16 deaths are studied, local health department officials and employees,
17 and health care professionals participating in child mortality review
18 committee activities.

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

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

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

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

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

37 (d) No local health department official or employee, and no members
38 of technical committees established to perform case reviews of selected

1 child deaths may be examined in any administrative, civil, or criminal
2 proceeding as to the existence or contents of documents assembled,
3 prepared, or maintained for purposes of a child mortality review.

4 (e) This section shall not be construed to prohibit or restrict any
5 person from reporting suspected child abuse or neglect under chapter
6 26.44 RCW nor to limit access to or use of any records, documents,
7 information, or testimony in any civil or criminal action arising out
8 of any report made pursuant to chapter 26.44 RCW.

9 (4) The department shall assist local health departments to collect
10 the reports of any child mortality reviews conducted by local health
11 departments and assist with entering the reports into a database to the
12 extent that the data is not protected under subsection (3) of this
13 section. Notwithstanding subsection (3) of this section, the
14 department shall respond to any requests for data from the database to
15 the extent permitted for health care information under chapter 70.02
16 RCW. In addition, the department shall provide technical assistance to
17 local health departments and child death review coordinators conducting
18 child mortality reviews and encourage communication among child death
19 review teams. The department shall conduct these activities using only
20 federal and private funding.

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