CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1303

Chapter 134, Laws of 2009

61st Legislature
2009 Regular Session

CHILD MORTALITY REVIEWS

EFFECTIVE DATE: 07/26/09

Passed by the House March 5, 2009
Yeas 97  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 9, 2009
Yeas 47  Nays 0

BRAD OWEN
President of the Senate

Approved April 20, 2009, 2:13 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1303 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
April 20, 2009

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to child mortality review; and amending RCW 70.05.170.

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

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

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

(b) It is the intent of the legislature to encourage the performance of child death reviews by local health departments by providing necessary legal protections to the families of children whose deaths are studied, local health department officials and employees, and health care professionals participating in child mortality review committee activities.
(2) As used in this section, "child mortality review" means a process authorized by a local health department as such department is defined in RCW 70.05.010 for examining factors that contribute to deaths of children less than eighteen years of age. The process may include a systematic review of medical, clinical, and hospital records; home interviews of parents and caretakers of children who have died; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death.

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

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

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

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

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

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

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

Passed by the House March 5, 2009.
Passed by the Senate April 9, 2009.
Approved by the Governor April 20, 2009.
Filed in Office of Secretary of State April 20, 2009.

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