
HOUSE BILL 1126

State of Washington

64th Legislature

2015 Regular Session

By Representatives Kagi, MacEwen, Tarleton, Walsh, Goodman, Senn, Gregerson, and Ryu

Read first time 01/14/15. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to department of early learning fatality reviews;
2 adding a new section to chapter 43.215 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215
6 RCW to read as follows:

7 (1)(a) The department shall conduct a child fatality review if a
8 child fatality occurs in an early learning program described in RCW
9 43.215.400 through 43.215.450 or a licensed child care center or a
10 licensed child care home.

11 (b) The department shall convene a child fatality review
12 committee and determine the membership of the review committee. The
13 committee shall comprise individuals with appropriate expertise,
14 including but not limited to experts from outside the department with
15 knowledge of early learning licensing requirements and program
16 standards. The department shall ensure that the fatality review team
17 is made up of individuals who had no previous involvement in the
18 case.

19 (c) The primary purpose of the fatality review shall be the
20 development of recommendations to the department and legislature
21 regarding changes in licensing requirements, practice, or policy to

1 prevent fatalities and strengthen safety and health protections for
2 children.

3 (d) Upon conclusion of a child fatality review required pursuant
4 to this section, the department shall, within one hundred eighty days
5 following the fatality, issue a report on the results of the review,
6 unless an extension has been granted by the governor. Reports must be
7 distributed to the appropriate committees of the legislature, and the
8 department shall create a public web site where all child fatality
9 review reports required under this section must be posted and
10 maintained. A child fatality review report completed pursuant to this
11 section is subject to public disclosure and must be posted on the
12 public web site, except that confidential information may be redacted
13 by the department consistent with the requirements of RCW 13.50.100,
14 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and
15 other applicable state and federal laws.

16 (2) The department shall consult with the office of the family
17 and children's ombuds to determine if a review should be conducted in
18 the case of a near child fatality that occurs in an early learning
19 program described in RCW 43.215.400 through 43.215.450 or licensed
20 child care center or licensed child care home.

21 (3) In any review of a child fatality or near fatality, the
22 department and the fatality review team must have access to all
23 records and files regarding the child or that are otherwise relevant
24 to the review and that have been produced or retained by the early
25 education and assistance program provider or licensed child care
26 center or licensed family home provider.

27 (4)(a) A child fatality or near fatality review completed
28 pursuant to this section is subject to discovery in a civil or
29 administrative proceeding, but may not be admitted into evidence or
30 otherwise used in a civil or administrative proceeding except
31 pursuant to this section.

32 (b) A department employee responsible for conducting a child
33 fatality or near fatality review, or member of a child fatality or
34 near fatality review team, may not be examined in a civil or
35 administrative proceeding regarding the following:

36 (i) The work of the child fatality or near fatality review team;

37 (ii) The incident under review;

38 (iii) The employee's or member's statements, deliberations,
39 thoughts, analyses, or impressions relating to the work of the child

1 fatality or near fatality review team or the incident under review;
2 or

3 (iv) Statements, deliberations, thoughts, analyses, or
4 impressions of any other member of the child fatality or near
5 fatality review team, or any person who provided information to the
6 child fatality or near fatality review team, relating to the work of
7 the child fatality or near fatality review team or the incident under
8 review.

9 (c) Documents prepared by or for a child fatality or near
10 fatality review team are inadmissible and may not be used in a civil
11 or administrative proceeding, except that any document that exists
12 before its use or consideration in a child fatality or near fatality
13 review, or that is created independently of such review, does not
14 become inadmissible merely because it is reviewed or used by a child
15 fatality or near fatality review team. A person is not unavailable as
16 a witness merely because the person has been interviewed by or has
17 provided a statement for a child fatality or near fatality review,
18 but if called as a witness, a person may not be examined regarding
19 the person's interactions with the child fatality or near fatality
20 review including, without limitation, whether the person was
21 interviewed during such review, the questions that were asked during
22 such review, and the answers that the person provided during such
23 review. This section may not be construed as restricting a person
24 from testifying fully in any proceeding regarding his or her
25 knowledge of the incident under review.

26 (d) The restrictions in this section do not apply in a licensing
27 or disciplinary proceeding arising from an agency's effort to revoke
28 or suspend the license of any licensed professional based in whole or
29 in part upon allegations of wrongdoing in connection with a minor's
30 death or near fatality reviewed by a child fatality or near fatality
31 review team.

32 (5) The department shall develop and implement procedures to
33 carry out the requirements of this section.

34 NEW SECTION. **Sec. 2.** This act may be known and cited as the Eve
35 Uphold act.

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