
HOUSE BILL 1965

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Prentice, Leonard, Sprenkle, Anderson, Grant, Paris, Beck, Moyer, Locke, R. King, Mitchell, Phillips, Winsley, Rasmussen, Sheldon, Nelson, Spanel and Brekke.

Read first time February 15, 1991. Referred to Committee on Health Care\Appropriations.

1 AN ACT Relating to identifying and providing services to infants
2 and toddlers with special health care needs; adding new sections to
3 chapter 43.70 RCW; making an appropriation; providing an effective
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
7 long-term health, well-being, and development of infants and children
8 is jeopardized by biological and environmental risk factors, including
9 prenatal drug or alcohol exposure. The legislature further finds that
10 medical assessment and tracking of infants and toddlers with special
11 health care needs can reduce long-term adverse medical, social,
12 developmental, and economic consequences when such identification
13 results in the provision of necessary medical, health, and other
14 support services to the child, his or her mother, and family. The
15 legislature further finds that coordination of existing state,

1 federally, and privately funded services to meet the needs of infants
2 and toddlers with special health care needs and their families is
3 essential to promote the long-term health and well-being of such
4 infants and toddlers.

5 (2) It is the purpose of sections 2 through 7 of this act to
6 provide for state-wide implementation of the high priority infant
7 tracking program, to maximize the use of federally funded programs to
8 meet the needs of infants and toddlers with special health care needs,
9 and to develop protocols relating to assessment and identification of
10 infants affected by maternal alcohol or drug use.

11 NEW SECTION. **Sec. 2.** As used in sections 1 through 7 of this
12 act, the following terms have the following meanings, unless expressly
13 provided otherwise:

14 (1) "Department" means the department of health.

15 (2) "Drug" means a controlled substance as defined in chapter 69.50
16 RCW when used for nonmedical purposes.

17 (3) "Drug test" means the procedure of taking and analyzing body
18 fluids or other materials from the body for the purpose of detecting
19 the presence of a drug, metabolite, or other related substances in the
20 sample tested.

21 (4) "Health care facility" means a hospital licensed pursuant to
22 chapter 70.41 RCW and birthing centers licensed pursuant to chapter
23 18.46 RCW.

24 (5) "Infants and toddlers with special needs" means children from
25 birth through age three who have an increased likelihood of
26 experiencing a disability or developmental delay due to biological risk
27 factors, such as a history of prenatal, perinatal, or neonatal insult,
28 or environmental risk factors, such as a history of drug abuse by

1 parents, family violence, or developmentally disabled or mentally ill
2 parents.

3 (6) "Medical assessment" means procedures established pursuant to
4 section 4 of this act and performed by a health care professional to
5 screen newborn infants for the purpose of identifying infants with
6 special health care needs.

7 NEW SECTION. **Sec. 3.** (1) The high priority infant tracking
8 program is established in the department. The program shall have the
9 goals of:

10 (a) Identifying all infants in Washington state with or at risk for
11 health and developmental problems; and

12 (b) Preventing or minimizing the impact of disabilities by tracking
13 the health and developmental status of, and use of community services
14 by, infants and toddlers with special health care needs at
15 predetermined intervals, and by offering parents of such children
16 information and support necessary to link families with health,
17 education, or social services.

18 (2) Participation in the program by parents of infants and toddlers
19 who have been identified as having special health care needs shall be
20 voluntary.

21 (3) To the greatest extent practicable, the department shall
22 finance program services through the medicaid program, as provided in
23 chapter 74.09 RCW, and other federally funded programs to maximize
24 federal financing for services provided through the program.

25 NEW SECTION. **Sec. 4.** (1) On or before January 1, 1992, the
26 department shall develop standards for newborn assessment in
27 consultation with the University of Washington health sciences division

1 and health professional associations, including physicians, nurses,
2 hospitals, and other appropriate providers.

3 (2) The standards shall be consistent with the definition of
4 infants and toddlers with special health care needs in section 2 of
5 this act, and shall include medical assessment factors for identifying
6 the presence or effect of alcohol or drugs acquired through exposure
7 from the mother.

8 NEW SECTION. **Sec. 5.** (1) Positive results from any drug test
9 shall be deemed confidential and may not be released to law enforcement
10 agencies. Chapter 26.44 RCW shall govern reporting of positive test
11 results to the department of social and health services child
12 protective services program.

13 (2) When a drug test is ordered, clear documentation of the medical
14 basis for the test shall appear in the medical record of the infant.
15 The rationale, as well as the result of the test, shall be discussed
16 with the mother by the health care professional responsible for the
17 infant's medical care.

18 NEW SECTION. **Sec. 6.** The department shall, in consultation
19 with the department of social and health services and individuals with
20 expertise in the effects of biological or environmental risk factors on
21 infants, identify a continuum of services for referral and appropriate
22 intervention to support healthy development of such infants.

23 (1) The continuum shall incorporate the following programs:

24 (a) High priority infant tracking program, as provided in section
25 3 of this act;

26 (b) First steps maternity care access program, as provided in
27 chapter 74.09 RCW;

1 (c) Treatment protocol for chemically dependent women, established
2 pursuant to section 409, chapter 271, Laws of 1989;

3 (d) Early periodic screening, diagnosis, and treatment component of
4 the medical assistance program; and

5 (e) Other existing state, federally, or privately funded programs
6 providing services to infants and toddlers with special health care
7 needs.

8 (2) To the extent feasible, services shall be offered jointly to
9 the family and infant in a manner that promotes and preserves positive
10 bonding of the family and infant.

11 NEW SECTION. **Sec. 7.** Each disciplinary authority under
12 chapter 18.130 RCW whose licensees provide prenatal, obstetrical, or
13 pediatric services shall prepare and distribute appropriate educational
14 materials to such licensees on the effects of alcohol and drug use
15 during pregnancy. The materials shall include information on
16 identifying signs of maternal alcohol or drug use, the effects of
17 prenatal alcohol or drug exposure on infants, medical assessment
18 protocols developed pursuant to section 4 of this act, and referral of
19 affected infants and their mothers to appropriate treatment and
20 services. The education and training materials shall be prepared in
21 consultation with the department of social and health services and the
22 department.

23 NEW SECTION. **Sec. 8.** The sum of five million five hundred
24 thousand dollars, or as much thereof as may be necessary, is
25 appropriated for the biennium ending June 30, 1993, from the general
26 fund to the department of health for state-wide implementation of the
27 high priority infant tracking program established pursuant to section
28 3 of this act.

1 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act are
2 each added to chapter 43.70 RCW.

3 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect July 1, 1991.