
SUBSTITUTE HOUSE BILL 1965

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Health Care (originally sponsored 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 March 6, 1991.

1 AN ACT Relating to identifying and providing services to infants
2 and toddlers with special health care needs; adding a new chapter to
3 Title 70 RCW; creating a new section; making an appropriation;
4 providing an effective 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 with special health care
11 needs can reduce long-term adverse medical, social, developmental, and
12 economic consequences when such identification results in the provision
13 of necessary medical, health, and other support services to the child,
14 his or her mother, and family. The legislature further finds that
15 coordination of existing local, state, federally, and privately funded

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

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

10 NEW SECTION. **Sec. 2.** As used in this chapter, the following
11 terms have the following meanings, unless expressly provided otherwise:

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

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

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

19 (4) "Health care facility" means a hospital licensed pursuant to
20 chapter 70.41 RCW and a birthing center licensed pursuant to chapter
21 18.46 RCW.

22 (5) "Infant" means a child age birth to three who has an increased
23 likelihood of experiencing a disability or developmental delay due to
24 biological risk factors, such as a history of prenatal, perinatal, or
25 neonatal insult, or environmental risk factors, such as parental drug
26 use, family violence, or parents with a developmental disability or
27 mental illness.

28 (6) "Medical assessment" means procedures established pursuant to
29 section 4 of this act and performed by a health care professional to

1 screen newborn infants for the purpose of identifying infants with
2 special health care needs.

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

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

8 (b) Preventing or minimizing the impact of disabilities by tracking
9 the health and developmental status of, and use of community services
10 by, infants at predetermined intervals, and by offering parents of such
11 children information and support necessary to link families with
12 health, education, or social services.

13 (2) Participation in the program by parents of infants shall be
14 voluntary.

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

19 NEW SECTION. **Sec. 4.** (1) On or before January 1, 1992, the
20 department shall develop standards for newborn assessment in
21 consultation with the appropriate health science programs of the
22 University of Washington and health professional associations,
23 including those of physicians, nurses, hospitals, and other appropriate
24 providers.

25 (2) The standards shall be consistent with the definition of
26 infants in section 2 of this act, and shall include medical assessment
27 factors for identifying the presence or effect of alcohol or drugs
28 acquired through exposure from the mother.

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

6 (2) When a drug test is ordered, clear documentation of the medical
7 basis for the test shall appear in the medical record of the infant.
8 The rationale, as well as the result of the test, shall be discussed
9 with the mother by the health care professional responsible for the
10 infant's medical care.

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

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

17 (a) The high priority infant tracking program, as provided in
18 section 3 of this act;

19 (b) The first steps maternity care access program, as provided in
20 chapter 74.09 RCW;

21 (c) The continuum of treatment for alcohol and drug abusive women,
22 established pursuant to section 409, chapter 271, Laws of 1989;

23 (d) The early periodic screening, diagnosis, and treatment
24 component of the medical assistance program; and

25 (e) Other existing state, federally, or privately funded programs
26 providing services to infants.

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

1 NEW SECTION. **Sec. 7.** Each disciplinary authority under
2 chapter 18.130 RCW whose licensees provide prenatal, obstetrical, or
3 pediatric services shall prepare and distribute appropriate educational
4 materials to such licensees on the effects of alcohol and drug use
5 during pregnancy. The materials shall include information on
6 identifying signs of maternal alcohol or drug use, the effects of
7 prenatal alcohol or drug exposure on infants, medical assessment
8 standards developed pursuant to section 4 of this act, and referral of
9 affected infants and their mothers to appropriate treatment and
10 services. The education and training materials shall be prepared in
11 consultation with the department of social and health services and the
12 department.

13 NEW SECTION. **Sec. 8.** The sum of five million six hundred
14 thousand dollars, of which four million six hundred thousand dollars is
15 from the general fund--state and one million dollars is from the
16 general fund--federal, or as much thereof as may be necessary, is
17 appropriated for the biennium ending June 30, 1993, to the department
18 of health for state-wide implementation of the high priority infant
19 tracking program established pursuant to section 3 of this act.

20 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act shall
21 constitute a new chapter in Title 70 RCW and may be cited as the high
22 priority infant tracking program.

23 NEW SECTION. **Sec. 10.** Unless funds are specifically
24 appropriated for sections 1 through 7 of this act, sections 1 through
25 6 of this act shall be null and void.

1 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect July 1, 1991.