
SUBSTITUTE HOUSE BILL 2571

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Prentice, Moyer, Sprenkle, Silver, Paris, Braddock, Miller, Leonard, Nealey, H. Myers, P. Johnson, Mitchell, McLean, Schmidt, Forner, Betrozoff, Brough, Tate, Brumsickle, May, Neher, Carlson, Bowman, Jones, Wineberry, Franklin, Kremen, Roland, R. King, Jacobsen, Rust, Spanel, Chandler, J. Kohl, Winsley, Brekke and Anderson)

Read first time 02/05/92.

1 AN ACT Relating to infant mortality reviews by local health
2 departments; adding a new section to chapter 70.05 RCW; adding a new
3 section to chapter 42.17 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW
6 to read as follows:

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

13 (b) It is the intent of the legislature to encourage the
14 performance of infant death reviews by local health departments by

1 providing necessary legal protections to the families of infants whose
2 deaths are studied, local health department officials and employees,
3 and health care professionals participating in infant mortality review
4 committee activities.

5 (2) As used in this section, "infant mortality review" means a
6 process authorized by a local health department defined in RCW
7 70.05.010 for examining factors that contribute to infant death through
8 a systematic review of medical, clinical, and hospital records; home
9 interviews of parents and caretakers of infants who have died; analysis
10 of individual case information; and review of this information by a
11 team of professionals in order to identify modifiable medical,
12 socioeconomic, public health, behavioral, administrative, educational,
13 and environmental factors associated with each death.

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

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

27 (b) Any records or documents supplied or maintained for the
28 purposes of an infant mortality review are not subject to discovery or
29 subpoena in any administrative, civil, or criminal proceeding related
30 to the death of an infant reviewed. This provision shall not restrict

1 or limit the discovery or subpoena from a health care provider of
2 records or documents maintained by such health care provider in the
3 ordinary course of business, whether or not such records or documents
4 may have been supplied to a local health department pursuant to this
5 section.

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

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
17 to read as follows:

18 Notwithstanding the provisions of RCW 42.17.250 through 42.17.340,
19 no local health department may be required under this chapter to make
20 available for public inspection or copying any records or documents
21 obtained, prepared, or maintained by the local health department for
22 the purposes of an infant mortality review conducted by the department
23 pursuant to section 1 of this act. This section shall not apply to
24 published statistical compilations and reports relating to the infant
25 mortality review studies that do not identify individual cases and
26 sources of information.

27 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.