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HOUSE BILL 2571

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State of Washington

52nd Legislature

1992 Regular Session

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 01/22/92. Referred to Committee on Health Care.

1 AN ACT Relating to infant mortality reviews by local health  
2 departments; adding new sections 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.** (1) The legislature finds that the rate  
6 of infant mortality in Washington state is unacceptably high, and that  
7 such mortality may be preventable. The legislature further finds that,  
8 through the performance of infant mortality reviews, preventable causes  
9 of infant mortality can be identified and addressed, thereby reducing  
10 the rate of infant mortality in Washington state.

11 (2) It is the intent of the legislature to encourage the  
12 performance of infant death reviews by local health departments by  
13 providing necessary legal protections to the families of infants whose  
14 deaths are studied, local health department officials and employees,

1 and health care professionals participating in infant mortality review  
2 committee activities.

3 NEW SECTION. **Sec. 2.** As used in sections 1 through 4 of this  
4 act, "infant mortality review" means a process for examining factors  
5 that contribute to infant death through a systematic review of medical,  
6 clinical, and hospital records; home interviews of parents and  
7 caretakers of infants who have died; analysis of individual case  
8 information; and review of this information by a team of professionals  
9 in order to identify modifiable medical, socioeconomic, public health,  
10 behavioral, administrative, educational, and environmental factors  
11 associated with each death.

12 NEW SECTION. **Sec. 3.** All medical records, reports, and  
13 statements procured by, furnished to, or maintained by a local health  
14 department pursuant to chapter 70.02 RCW for purposes of an infant  
15 mortality review are confidential insofar as the identity of an  
16 individual infant and his or her parents is concerned. Such records  
17 may be used solely by local health departments for the purposes of the  
18 review. This section does not prevent a local health department from  
19 publishing statistical compilations and reports related to the infant  
20 mortality review, if such compilations and reports do not identify  
21 individual cases and sources of information.

22 NEW SECTION. **Sec. 4.** (1) Any records or documents supplied or  
23 maintained for the purposes of an infant mortality review are not  
24 subject to discovery or subpoena in any administrative, civil, or  
25 criminal proceeding related to the death of an infant reviewed. This  
26 provision shall not restrict or limit the discovery or subpoena from a  
27 health care provider of records or documents maintained by such health

1 care provider in the ordinary course of business, whether or not such  
2 records or documents may have been supplied to a local health  
3 department pursuant to sections 1 through 4 of this act.

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

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

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW  
15 to read as follows:

16 Notwithstanding the provisions of RCW 42.17.250 through 42.17.340,  
17 no local health department may be required under this chapter to make  
18 available for public inspection or copying any records or documents  
19 obtained, prepared, or maintained by the local health department for  
20 the purposes of an infant mortality review conducted by the department  
21 pursuant to sections 2 through 4 of this act. This section shall not  
22 apply to published statistical compilations and reports relating to the  
23 infant mortality review studies that do not identify individual cases  
24 and sources of information.

25 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act are  
26 each added to chapter 70.05 RCW.

1        NEW SECTION.    **Sec. 7.**        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 immediately.