

SENATE BILL 5193

State of Washington 52nd Legislature 1991 Regular Session

By Senators L. Smith, Wojahn, West, Johnson, Oke and Thorsness.

Read first time January 23, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to infants exposed to drugs; adding a new chapter
2 to Title 70 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds
5 that chemical drug exposure during pregnancy jeopardizes the long-term
6 health and well-being of infants. The legislature declares that
7 adequate medical care during and after pregnancy, chemical abuse
8 treatment for pregnant women, and other support services for the child
9 and mother are needed to minimize the adverse effects of chemical
10 abuse. The legislature has demonstrated its commitment to providing
11 these services through a significant expansion of maternity care and
12 child health services. It has also expanded chemical abuse treatment
13 and support services for pregnant women through the enhancement of

1 inpatient and outpatient services, transitional housing, case
2 management and child care. The legislature further finds that early
3 identification through medical assessment of at-risk, chemically
4 exposed infants can reduce long-term adverse medical, social, and
5 economic consequences only when such identification results in the
6 provision of needed medical and support services. It further declares
7 that well integrated and coordinated delivery of services to mothers
8 and infants is essential to promote the long-term health and well-being
9 of chemically exposed infants.

10 NEW SECTION. **Sec. 2.** DEFINITIONS. As used in this chapter, the
11 terms in this section have the meanings indicated unless the context
12 clearly requires otherwise.

13 (1) "Department" means department of social and health services.

14 (2) "Drug" means a controlled substance under chapter 69.50 RCW
15 used for nonmedical purposes.

16 (3) "Health care facility" means a hospital as licensed in chapter
17 70.41 RCW.

18 (4) "Medical assessment" means a procedure established in rule by
19 the state board of health and conducted by a health care facility for
20 screening newborn infants to identify those who have been exposed to
21 drugs prior to birth.

22 (5) "Nonmedical purpose" means use of a controlled substance as
23 defined in chapter 69.50 RCW for purposes other than prescribed by an
24 authorized health care practitioner as defined in RCW 69.50.101.

25 (6) "Positive case" means a finding by a health care facility that
26 drugs are present in a newborn infant and is based upon a medical
27 assessment.

1 NEW SECTION. **Sec. 3.** MEDICAL ASSESSMENT OF AT-RISK INFANTS--
2 CONFIDENTIALITY OF ASSESSMENTS. (1) Prior to discharge, every health
3 care facility shall cause to be conducted a medical assessment of
4 newborn infants delivered at the facility to determine the presence of
5 drugs acquired through exposure from the mother. The medical
6 assessment shall be used to determine the need for immediate and
7 postdischarge medical care, drug treatment, and support services for
8 the mother and child.

9 (2) The health care facility shall report positive cases to the
10 department so that department-sponsored or funded treatment and support
11 services can be made available to the mother and child. The department
12 and health care facility shall establish reasonable and appropriate
13 time limits by which the facility must make its report to the
14 department.

15 (3) The identity of positive cases shall be deemed confidential and
16 shall not be released to law enforcement agencies or county or city
17 prosecutors for the purposes of evidence of possession or use of a
18 controlled substance on the part of the mother.

19 NEW SECTION. **Sec. 4.** MEDICAL ASSESSMENTS--STATE BOARD OF HEALTH
20 ACTIVITIES. The state board of health, in consultation with medical
21 providers and researchers who have specialized knowledge of the effects
22 of drug exposure on infants, shall establish appropriate standards for
23 conducting medical assessments of newborn infants to determine drug
24 exposure prior to birth. Such standards may be updated from time to
25 time. The standards shall assure accurate, fair, and consistent
26 medical assessments of newborn infants. Every health care facility
27 shall develop and utilize facility standards for use in conducting
28 medical assessments based upon those developed by the state board of
29 health.

1 NEW SECTION. **Sec. 5.** DEPARTMENT EVALUATION OF HOME--PLAN OF CARE

2 --MONITORING OF MOTHER AND CHILD. (1) When the department receives a
3 report of a positive case from a health care facility it shall within
4 one week conduct an evaluation of the newborn infant's home to
5 determine whether the health and safety of the child is in imminent
6 danger because of the misuse or suspected misuse of controlled
7 substances by the mother or other household members.

8 (2) Should the evaluation determine the child is not in imminent
9 danger, the department shall within two weeks of the evaluation prepare
10 a plan of care for the mother and child specifying substance abuse
11 treatment services, child health care services and other support
12 services necessary to assure the health and safety of the child.

13 (3) The plan shall be prepared with the assistance of the child's
14 physician, or a physician designated by the health care facility if the
15 child has no physician, a representative from the department and a
16 qualified substance abuse counselor or public health nurse with
17 training in substance abuse. The plan shall identify those
18 state-sponsored services for which the mother and child are eligible.
19 Disagreements over the content of the plan may be appealed by the
20 mother through a hearing as provided for in chapter 34.05 RCW.

21 (4) The department shall monitor the mother and child for a period
22 of six months to assure that services identified in the plan of care
23 are being received, including the mother's participation in a substance
24 abuse treatment program if such a program is included in the plan. The
25 department shall also monitor the child's home environment to assure
26 that the safety and health of the child is not in imminent danger
27 because of misuse of controlled substances by any household member.

28 (5) Should the department determine that the services in the plan
29 of care have been refused by the mother, and as a result the health and

1 safety of the child is in imminent danger, it shall pursue its
2 obligation under chapter 26.44 RCW.

3 (6) The department may extend monitoring activities beyond six
4 months should it determine it is in the best interest of the child to
5 do so. If an extension is granted to the plan of care, an amendment to
6 the plan of care shall be made specifying the reasons for the extension
7 and duration of time for which monitoring shall be extended.

8 (7) This section shall not restrict or otherwise limit the
9 department from its obligations under chapter 26.44 RCW should it
10 determine the child is subject to child abuse and neglect as defined in
11 RCW 26.44.020.

12 NEW SECTION. **Sec. 6.** INTERAGENCY COORDINATION OF SERVICE
13 DELIVERY. The department and the department of health shall assure
14 that the delivery of available services to chemically dependent
15 pregnant women and chemically dependent mothers and infants are
16 coordinated so that (1) all available medical and support services
17 offered through or paid by the agencies are provided, (2) existing
18 community-based services are identified and utilized, (3) to the extent
19 feasible, services be offered jointly to the mother and infant in a
20 manner that promotes and preserves positive bonding of the mother and
21 infant, (4) possible long-term developmental disabilities are
22 identified early to minimize adverse health consequences, and (5) the
23 department and the department of health are able to track clients and
24 the services they receive across programs and agency lines.

25 NEW SECTION. **Sec. 7.** EDUCATION FOR HEALTH CARE PROFESSIONALS.
26 Each disciplining authority under chapter 18.130 RCW whose license
27 holders provide prenatal, obstetrical, and pediatric services shall
28 adopt rules and prepare and distribute appropriate educational material

1 to such license holders on the effects of substance abuse by pregnant
2 women. The training and education shall include information on
3 identifying signs of drug usage, the effects of drug exposure,
4 conducting medical assessments as required by this chapter, and
5 referring patients to appropriate treatment and services. The
6 disciplining authorities shall work with the department and the
7 department of health to develop education and training material.

8 NEW SECTION. **Sec. 8.** CAPTIONS NOT LAW. Section captions as used
9 in this act constitute no part of the law.

10 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act shall
11 constitute a new chapter in Title 70 RCW.