

CERTIFICATION OF ENROLLMENT

SENATE BILL 6296

Chapter 179, Laws of 1992

52nd Legislature
1992 Regular Session

INFANT MORTALITY REVIEWS

EFFECTIVE DATE: 4/1/92

Passed by the Senate March 8, 1992
Yeas 47 Nays 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1992
Yeas 95 Nays 0

JOE KING

**Speaker of the
House of Representatives**

Approved April 1, 1992

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6296** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

Secretary

FILED

April 1, 1992 - 11:05 a.m.

**Secretary of State
State of Washington**

SENATE BILL 6296

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senators West, Niemi, Amondson, Stratton, Newhouse, M. Kreidler, Wojahn, Gaspard and Pelz

Read first time 01/24/92. Referred to Committee on Health & Long-Term Care.

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 as such department is
7 defined in RCW 70.05.010 for examining factors that contribute to
8 infant death through a systematic review of medical, clinical, and
9 hospital records; home interviews of parents and caretakers of infants
10 who have died; analysis of individual case information; and review of
11 this information by a team of professionals in order to identify
12 modifiable medical, socioeconomic, public health, behavioral,
13 administrative, educational, and environmental factors associated with
14 each death.

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

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

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

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

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

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

17 (e) This section shall not be construed to prohibit or restrict any
18 person from reporting suspected child abuse or neglect under chapter
19 26.44 RCW nor to limit access to or use of any records, documents,
20 information, or testimony in any civil or criminal action arising out
21 of any report made pursuant to chapter 26.44 RCW.

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

24 Notwithstanding the provisions of RCW 42.17.250 through 42.17.340,
25 no local health department may be required under this chapter to make
26 available for public inspection or copying any records or documents
27 obtained, prepared, or maintained by the local health department for
28 the purposes of an infant mortality review conducted by the department
29 pursuant to section 1 of this act. This section shall not apply to

1 published statistical compilations and reports relating to the infant
2 mortality review studies that do not identify individual cases and
3 sources of information.

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

Passed the Senate March 8, 1992.

Passed the House March 4, 1992.

Approved by the Governor April 1, 1992.

Filed in Office of Secretary of State April 1, 1992.