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ENGROSSED SENATE BILL 5205

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi and Talmadge

Read first time 01/18/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to infant mortality review; and amending RCW  
2 70.05.170.

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

4 **Sec. 1.** RCW 70.05.170 and 1992 c 179 s 1 are each amended to read  
5 as follows:

6 (1)(a) The legislature finds that the ~~((rate of infant))~~ mortality  
7 rate in Washington state among infants and children less than eighteen  
8 years of age is unacceptably high, and that such mortality may be  
9 preventable. The legislature further finds that, through the  
10 performance of ~~((infant))~~ child mortality reviews, preventable causes  
11 of ~~((infant))~~ child mortality can be identified and addressed, thereby  
12 reducing the ~~((rate of))~~ infant and child mortality in Washington  
13 state.

14 (b) It is the intent of the legislature to encourage the  
15 performance of ~~((infant))~~ child death reviews by local health  
16 departments by providing necessary legal protections to the families of  
17 ~~((infants))~~ children whose deaths are studied, local health department  
18 officials and employees, and health care professionals participating in  
19 ~~((infant))~~ child mortality review committee activities.

1 (2) As used in this section, "~~((infant))~~ child mortality review"  
2 means a process authorized by a local health department as such  
3 department is defined in RCW 70.05.010 for examining factors that  
4 contribute to ~~((infant death through))~~ deaths of children less than  
5 eighteen years of age. The process may include a systematic review of  
6 medical, clinical, and hospital records; home interviews of parents and  
7 caretakers of ~~((infants))~~ children who have died; analysis of  
8 individual case information; and review of this information by a team  
9 of professionals in order to identify modifiable medical,  
10 socioeconomic, public health, behavioral, administrative, educational,  
11 and environmental factors associated with each death.

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

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

26 (b) Any records or documents supplied or maintained for the  
27 purposes of ~~((an infant))~~ a child mortality review are not subject to  
28 discovery or subpoena in any administrative, civil, or criminal  
29 proceeding related to the death of ~~((an infant))~~ a child reviewed.  
30 This provision shall not restrict or limit the discovery or subpoena  
31 from a health care provider of records or documents maintained by such  
32 health care provider in the ordinary course of business, whether or not  
33 such records or documents may have been supplied to a local health  
34 department pursuant to this section.

35 (c) Any summaries or analyses of records, documents, or records of  
36 interviews prepared exclusively for purposes of ~~((an infant))~~ a child  
37 mortality review are not subject to discovery, subpoena, or  
38 introduction into evidence in any administrative, civil, or criminal  
39 proceeding related to the death of ~~((an infant))~~ a child reviewed.

1 (d) No local health department official or employee, and no members  
2 of technical committees established to perform case reviews of selected  
3 (~~infant~~) child deaths may be examined in any administrative, civil,  
4 or criminal proceeding as to the existence or contents of documents  
5 assembled, prepared, or maintained for purposes of (~~an infant~~) a  
6 child mortality review.

7 (e) This section shall not be construed to prohibit or restrict any  
8 person from reporting suspected child abuse or neglect under chapter  
9 26.44 RCW nor to limit access to or use of any records, documents,  
10 information, or testimony in any civil or criminal action arising out  
11 of any report made pursuant to chapter 26.44 RCW.

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