

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1303**

Chapter 134, Laws of 2009

61st Legislature  
2009 Regular Session

CHILD MORTALITY REVIEWS

EFFECTIVE DATE: 07/26/09

Passed by the House March 5, 2009  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 9, 2009  
Yeas 47 Nays 0

BRAD OWEN

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**President of the Senate**

Approved April 20, 2009, 2:13 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1303** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 20, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1303**

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Passed Legislature - 2009 Regular Session

**State of Washington**                      **61st Legislature**                      **2009 Regular Session**

**By** House Health Care & Wellness (originally sponsored by  
Representatives Moeller, Green, and Roberts)

READ FIRST TIME 02/10/09.

1            AN ACT Relating to child 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 1993 c 41 s 1 are each amended to read  
5            as follows:

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

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

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

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

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

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

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

37 (d) No local health department official or employee, and no members  
38 of technical committees established to perform case reviews of selected

1 child deaths may be examined in any administrative, civil, or criminal  
2 proceeding as to the existence or contents of documents assembled,  
3 prepared, or maintained for purposes of a child mortality review.

4 (e) This section shall not be construed to prohibit or restrict any  
5 person from reporting suspected child abuse or neglect under chapter  
6 26.44 RCW nor to limit access to or use of any records, documents,  
7 information, or testimony in any civil or criminal action arising out  
8 of any report made pursuant to chapter 26.44 RCW.

9 (4) The department shall assist local health departments to collect  
10 the reports of any child mortality reviews conducted by local health  
11 departments and assist with entering the reports into a database to the  
12 extent that the data is not protected under subsection (3) of this  
13 section. Notwithstanding subsection (3) of this section, the  
14 department shall respond to any requests for data from the database to  
15 the extent permitted for health care information under chapter 70.02  
16 RCW. In addition, the department shall provide technical assistance to  
17 local health departments and child death review coordinators conducting  
18 child mortality reviews and encourage communication among child death  
19 review teams. The department shall conduct these activities using only  
20 federal and private funding.

Passed by the House March 5, 2009.  
Passed by the Senate April 9, 2009.  
Approved by the Governor April 20, 2009.  
Filed in Office of Secretary of State April 20, 2009.