

ESSB 6110 - H COMM AMD

By Committee on Early Learning & Human Services

NOT CONSIDERED 03/07/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 70.05.170 and 2010 c 128 s 1 are each amended to
4 read as follows:

5 (1)(a) The legislature finds that the mortality rate in
6 Washington state among infants and children less than (~~eighteen~~) 19
7 years of age is unacceptably high, and that such mortality may be
8 preventable. The legislature further finds that, through the
9 performance of child (~~mortality~~) fatality reviews, preventable
10 causes of child mortality can be identified and addressed, thereby
11 reducing the infant and child mortality in Washington state.

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

18 (2) As used in this section, "child (~~mortality~~) fatality
19 review" means a process authorized by a local health department as
20 such department is defined in RCW 70.05.010 for examining factors
21 that contribute to deaths of children (~~less than eighteen~~) up to 19
22 years of age. The process may include a systematic review of medical,
23 clinical, and hospital records; home interviews of parents and
24 caretakers of children who have died; analysis of individual case
25 information; and review of this information by a team of
26 professionals in order to identify modifiable medical, socioeconomic,
27 public health, behavioral, administrative, educational, and
28 environmental factors associated with each death.

29 (3) Local health departments are authorized to conduct child
30 (~~mortality~~) fatality reviews. In conducting such reviews, the
31 following provisions shall apply:

1 (a) All health care information collected as part of a child
2 (~~mortality~~) fatality review is confidential, subject to the
3 restrictions on disclosure provided for in chapter 70.02 RCW. When
4 documents are collected as part of a child (~~mortality~~) fatality
5 review, the records may be used solely by local health departments
6 for the purposes of the review.

7 (~~No identifying information related to the deceased child,~~
8 ~~the child's guardians, or anyone interviewed as part of the child~~
9 ~~mortality review may be disclosed. Any such information shall be~~
10 ~~redacted from any records produced as part of the review.~~) Local
11 health departments and the department may retain identifiable
12 information and geographic information on each case for the purposes
13 of determining trends, performing analysis over time, and for quality
14 improvement efforts. Information and records prepared, owned, used,
15 or retained by the local health departments, their respective
16 offices, or staff that reveals the identification and location of any
17 person or persons being the subject of review shall not be made
18 public in accordance with RCW 42.56.365.

19 (c) Any witness statements or documents collected from witnesses,
20 or summaries or analyses of those statements or records prepared
21 exclusively for purposes of a child (~~mortality~~) fatality review,
22 are not subject to public disclosure, discovery, subpoena, or
23 introduction into evidence in any administrative, civil, or criminal
24 proceeding related to the death of a child reviewed. This provision
25 does not restrict or limit the discovery or subpoena from a health
26 care provider of records or documents maintained by such health care
27 provider in the ordinary course of business, whether or not such
28 records or documents may have been supplied to a local health
29 department pursuant to this section. This provision shall not
30 restrict or limit the discovery or subpoena of documents from such
31 witnesses simply because a copy of a document was collected as part
32 of a child (~~mortality~~) fatality review.

33 (d) No local health department official or employee, and no
34 members of technical committees established to perform case reviews
35 of selected child deaths may be examined in any administrative,
36 civil, or criminal proceeding as to the existence or contents of
37 documents assembled, prepared, or maintained for purposes of a child
38 (~~mortality~~) fatality review.

39 (e) This section shall not be construed to prohibit or restrict
40 any person from reporting suspected child abuse or neglect under

1 chapter 26.44 RCW, nor to limit access to or use of any records,
2 documents, information, or testimony in any civil or criminal action
3 arising out of any report made pursuant to chapter 26.44 RCW, nor to
4 require disclosures in conflict with federal law.

5 ~~((4))~~ (f) If the team identifies a current, reportable, and
6 unresolved concern about child abuse or neglect, it may designate one
7 member to make a report to the child abuse hotline. This subsection
8 does not create a mandatory duty under RCW 26.44.030 for any review
9 team or individual review team member.

10 (4) To aid in a child fatality review, the local health
11 department may:

12 (a) Request and receive data for specific fatalities including,
13 but not limited to, all medical records related to the child death,
14 autopsy reports, medical examiner reports, coroner reports, and
15 school, the criminal justice system, law enforcement, and social
16 services records; and

17 (b) Request and receive data described in (a) of this subsection
18 from health care providers, health care facilities, clinics, schools,
19 the criminal justice system, law enforcement, laboratories, medical
20 examiners, coroners, professions and facilities licensed by the
21 department, local health departments, the health care authority and
22 its licensees and providers, the department of social and health
23 services and its licensees and providers, and the department of
24 children, youth, and families and its licensees and providers.

25 (5) Upon request by the local health department, health care
26 providers, health care facilities, clinics, schools, the criminal
27 justice system, law enforcement, laboratories, medical examiners,
28 coroners, professions and facilities licensed by the department of
29 health, local health departments, the health care authority and its
30 licensees and providers, the department of social and health services
31 and its licensees and providers, and the department of children,
32 youth, and families and its licensees and providers must provide all
33 medical records related to the child, autopsy reports, medical
34 examiner reports, coroner reports, social services records, and other
35 data requested for specific child fatality reviews to the local
36 health department. Data described in certifications and informational
37 copies of birth and death records issued from the state vital records
38 system shall be provided at no charge.

39 (6) The department shall assist local health departments to
40 collect the reports of any child ~~((mortality))~~ fatality reviews

1 conducted by local health departments and assist with entering the
2 reports into a database (~~(to the extent that the data is not~~
3 ~~protected under subsection (3) of this section. Notwithstanding~~
4 ~~subsection (3) of this section, the department shall respond to any~~
5 ~~requests for data from the database to the extent permitted for~~
6 ~~health care information under chapter 70.02 RCW)). All information
7 submitted to the department and local health departments pursuant to
8 this subsection is not subject to public disclosure, discovery,
9 subpoena, or introduction into evidence in any administrative, civil,
10 or criminal proceeding related to the death of a child reviewed. In
11 addition, the department shall provide technical assistance to local
12 health departments and child death review coordinators conducting
13 child (~~mortality~~) fatality reviews and encourage communication
14 among child (~~death~~) fatality review teams. (~~The department shall~~
15 ~~conduct these activities using only federal and private funding.~~~~

16 ~~(5))~~ (7) This section does not prevent the department or a local
17 health department from publishing statistical compilations and
18 reports related to the child (~~mortality~~) fatality review. Any
19 portions of such compilations and reports that identify individual
20 cases and sources of information must be redacted. These reports may
21 be used in the development and coordination of statewide child
22 fatality prevention strategies and interventions."

23 Correct the title.

EFFECT: Restores current law prohibiting witness statements or documents collected from witnesses, or summaries or analyses of those statements or records prepared exclusively for a child fatality review from being introduced into evidence in a criminal proceeding.

Restores current law prohibiting local health department officials, their employees, and members of technical committees established to perform case reviews of selected child deaths from being examined in a criminal proceeding as to the existence or contents of documents assembled, prepared, or maintained for purposes of a child fatality review.

Prohibits all information submitted to the Department of Health and local health departments from being introduced into evidence in a criminal proceeding related to the death of a child reviewed.

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