

2 **SB 6296** - H COMM AMD **ADOPTED 03/04/92**

3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW  
8 to read as follows:

9 (1)(a) The legislature finds that the rate of infant mortality in  
10 Washington state is unacceptably high, and that such mortality may be  
11 preventable. The legislature further finds that, through the  
12 performance of infant mortality reviews, preventable causes of infant  
13 mortality can be identified and addressed, thereby reducing the rate of  
14 infant mortality in Washington state.

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

21 (2) As used in this section, "infant mortality review" means a  
22 process authorized by a local health department as such department is  
23 defined in RCW 70.05.010 for examining factors that contribute to  
24 infant death through a systematic review of medical, clinical, and  
25 hospital records; home interviews of parents and caretakers of infants  
26 who have died; analysis of individual case information; and review of  
27 this information by a team of professionals in order to identify  
28 modifiable medical, socioeconomic, public health, behavioral,

1 administrative, educational, and environmental factors associated with  
2 each death.

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

6 (a) All medical records, reports, and statements procured by,  
7 furnished to, or maintained by a local health department pursuant to  
8 chapter 70.02 RCW for purposes of an infant mortality review are  
9 confidential insofar as the identity of an individual infant and his or  
10 her adoptive or natural parents is concerned. Such records may be used  
11 solely by local health departments for the purposes of the review. This  
12 section does not prevent a local health department from publishing  
13 statistical compilations and reports related to the infant mortality  
14 review, if such compilations and reports do not identify individual  
15 cases and sources of information.

16 (b) Any records or documents supplied or maintained for the  
17 purposes of an infant mortality review are not subject to discovery or  
18 subpoena in any administrative, civil, or criminal proceeding related  
19 to the death of an infant reviewed. This provision shall not restrict  
20 or limit the discovery or subpoena from a health care provider of  
21 records or documents maintained by such health care provider in the  
22 ordinary course of business, whether or not such records or documents  
23 may have been supplied to a local health department pursuant to this  
24 section.

25 (c) Any summaries or analyses of records, documents, or records of  
26 interviews prepared exclusively for purposes of an infant mortality  
27 review are not subject to discovery, subpoena, or introduction into  
28 evidence in any administrative, civil, or criminal proceeding related  
29 to the death of an infant 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 deaths may be examined in any administrative, civil, or criminal  
4 proceeding as to the existence or contents of documents assembled,  
5 prepared, or maintained for purposes of an infant mortality review.

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

11 "NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW  
12 to read as follows:

13 Notwithstanding the provisions of RCW 42.17.250 through 42.17.340,  
14 no local health department may be required under this chapter to make  
15 available for public inspection or copying any records or documents  
16 obtained, prepared, or maintained by the local health department for  
17 the purposes of an infant mortality review conducted by the department  
18 pursuant to section 1 of this act. This section shall not apply to  
19 published statistical compilations and reports relating to the infant  
20 mortality review studies that do not identify individual cases and  
21 sources of information."

22 "NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and shall take  
25 effect immediately."

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4 On page 1, line 2 of the title, after "departments;" strike the  
5 remainder of the title and insert "adding a new section to chapter  
6 70.05 RCW; adding a new section to chapter 42.17 RCW; and declaring an  
7 emergency."