
HOUSE BILL 2165

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Kagi, Lytton, Morrell, Jinkins, and Haigh

Prefiled 01/07/14. Read first time 01/13/14. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to department of early learning fatality reviews;
2 and adding a new section to chapter 43.215 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.215 RCW
5 to read as follows:

6 (1)(a) The department shall conduct a child fatality review if a
7 child fatality occurs in an early learning program described in RCW
8 43.215.400 through 43.215.450 or a licensed child care center or a
9 licensed child care home.

10 (b) The department shall convene a child fatality review committee
11 and determine the membership of the review committee. The committee
12 shall comprise individuals with appropriate expertise, including but
13 not limited to experts from outside the department with knowledge of
14 early learning licensing requirements and program standards. The
15 department shall ensure that the fatality review team is made up of
16 individuals who had no previous involvement in the case.

17 (c) The primary purpose of the fatality review shall be the
18 development of recommendations to the department and legislature

1 regarding changes in licensing requirements, practice, or policy to
2 prevent fatalities and strengthen safety and health protections for
3 children.

4 (d) Upon conclusion of a child fatality review required pursuant to
5 this section, the department shall, within one hundred eighty days
6 following the fatality, issue a report on the results of the review,
7 unless an extension has been granted by the governor. Reports must be
8 distributed to the appropriate committees of the legislature, and the
9 department shall create a public web site where all child fatality
10 review reports required under this section must be posted and
11 maintained. A child fatality review report completed pursuant to this
12 section is subject to public disclosure and must be posted on the
13 public web site, except that confidential information may be redacted
14 by the department consistent with the requirements of RCW 13.50.100,
15 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and
16 other applicable state and federal laws.

17 (2) The department shall consult with the office of the family and
18 children's ombuds to determine if a review should be conducted in the
19 case of a near child fatality that occurs in an early learning program
20 described in RCW 43.215.400 through 43.215.450 or licensed child care
21 center or licensed child care home.

22 (3) In any review of a child fatality or near fatality, the
23 department and the fatality review team must have access to all records
24 and files regarding the child or that are otherwise relevant to the
25 review and that have been produced or retained by the early education
26 and assistance program provider or licensed child care center or
27 licensed family home provider.

28 (4)(a) A child fatality or near fatality review completed pursuant
29 to this section is subject to discovery in a civil or administrative
30 proceeding, but may not be admitted into evidence or otherwise used in
31 a civil or administrative proceeding except pursuant to this section.

32 (b) A department employee responsible for conducting a child
33 fatality or near fatality review, or member of a child fatality or near
34 fatality review team, may not be examined in a civil or administrative
35 proceeding regarding the following:

- 36 (i) The work of the child fatality or near fatality review team;
37 (ii) The incident under review;

1 (iii) The employee's or member's statements, deliberations,
2 thoughts, analyses, or impressions relating to the work of the child
3 fatality or near fatality review team or the incident under review; or

4 (iv) Statements, deliberations, thoughts, analyses, or impressions
5 of any other member of the child fatality or near fatality review team,
6 or any person who provided information to the child fatality or near
7 fatality review team, relating to the work of the child fatality or
8 near fatality review team or the incident under review.

9 (c) Documents prepared by or for a child fatality or near fatality
10 review team are inadmissible and may not be used in a civil or
11 administrative proceeding, except that any document that exists before
12 its use or consideration in a child fatality or near fatality review,
13 or that is created independently of such review, does not become
14 inadmissible merely because it is reviewed or used by a child fatality
15 or near fatality review team. A person is not unavailable as a witness
16 merely because the person has been interviewed by or has provided a
17 statement for a child fatality or near fatality review, but if called
18 as a witness, a person may not be examined regarding the person's
19 interactions with the child fatality or near fatality review including,
20 without limitation, whether the person was interviewed during such
21 review, the questions that were asked during such review, and the
22 answers that the person provided during such review. This section may
23 not be construed as restricting a person from testifying fully in any
24 proceeding regarding his or her knowledge of the incident under review.

25 (d) The restrictions in this section do not apply in a licensing or
26 disciplinary proceeding arising from an agency's effort to revoke or
27 suspend the license of any licensed professional based in whole or in
28 part upon allegations of wrongdoing in connection with a minor's death
29 or near fatality reviewed by a child fatality or near fatality review
30 team.

31 (5) The department shall develop and implement procedures to carry
32 out the requirements of this section.

--- END ---