



The following is a summary of the laws pertaining to Spokane Regional Health District's (SRHD) Child Fatality Review but should not be viewed or relied upon as legal advice. Please conduct your own research and consult with legal counsel about how the applicable laws may affect you and/or your organization.

Overview

Child Fatality Review (CFR) is an established public health process in the United States. In Washington state, RCW 70.05.170 authorizes local health jurisdictions to conduct fatality reviews for deaths among children under 18 years of age. The purpose of this process is to enhance effective prevention of child injury and mortality by understanding the circumstances surrounding and contributing to the unexpected deaths of children.

As authorized by RCW 70.05.170, SRHD conducts the CFR process, which includes case identification, confidential case reviews by the multidisciplinary Child Fatality Case Review Panel (CFCRP), and development of recommendations for preventing child injury and mortality.

CFCRP members are SRHD employees and invited representatives from community organizations. CFCRP members are trained in mandatory confidentiality requirements prior to participating in confidential case reviews and sign a confidentiality agreement at the beginning of each meeting.

Access to Information

As specified by RCW 70.05.170, CFR may include a review and analysis of a child's records. An organization's records involving the child may be shared with SRHD for the purpose of CFR, without violating the Health Insurance Portability and Accountability Act (HIPAA). HIPAA laws allow a covered entity to disclose protected health information without authorization from the individual or legal guardian to a protected health authority that is authorized by law to collect or receive such information for the purpose of conducting public health investigations and interventions.

When CFR involves identification and review of a death due to overdose, withdrawal, or suicide, RCW 70.05.210 specifies that SRHD may request and receive data about such fatalities including, but not limited to, all medical related records, autopsy reports, medical examiner reports, coroner reports, school records, criminal justice and law enforcement records, and social services records.

Protection of Information & Confidentiality

As specified in RCW 70.05.170, records, statements, analyses of individual case information, and other materials containing individual case information which are collected, prepared, and maintained for CFR are confidential and may only be used for the CFR process. RCW 70.05.170 states:

- This information is not subject to public disclosure.
- This information is not subject to discovery, subpoena, or introduction into evidence in any administrative, civil, or criminal proceeding related to the death of a child reviewed.
- All individuals who participate in CFR may not be questioned or examined in any administrative, civil, or criminal proceedings regarding the existence or contents of confidential information collected, prepared, and maintained for CFR.

In addition to the protections afforded under RCW 70.05.170, substance use disorder treatment records are protected by 42 CFR Part 2. However, 42 CFR 2.15(b)(1) does not restrict the disclosure of patient identifying information related to an individual's cause of death when state laws require the collection of death or other vital statistics or permit inquiry into the cause of death.

Permitted Disclosures

SRHD is authorized by RCW 70.05.170 to publish statistical compilations and reports with aggregate data related to SRHD's CFR. These reports will not contain any identifiable individual case information. The only allowable disclosure of collected information specified by RCW 70.05.170 is that involving cases of suspected child abuse and neglect, pursuant to RCW 26.44.