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**SECOND SUBSTITUTE HOUSE BILL 1354**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Mosbrucker, Orwall, Davis, Ramos, Callan, Berry, Valdez, Jacobsen, Bergquist, Dent, and Pollet)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to suicide review teams; amending RCW 70.02.050;  
2 adding a new section to chapter 43.70 RCW; creating new sections; and  
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the work of  
6 the state suicide prevention plan steering committee has produced a  
7 valuable, comprehensive suicide prevention plan. This plan finds that  
8 about one-half of mental health conditions appear by age 14 and  
9 identifies a need for preventing youth suicide risk farther upstream  
10 in a child's life.

11 (2) The legislature intends to establish a youth suicide review  
12 team to complement the work of the state suicide prevention plan  
13 steering committee by providing a focused investigation of the lives  
14 of youth who have died by suicide. The work of the review team shall:

15 (a) Provide a more detailed picture of the lives of youth who  
16 have died by suicide in Washington to allow for more targeted  
17 intervention programs to reach youth earlier in their lives; and

18 (b) Help determine whether the COVID-19 pandemic or the state's  
19 response to the pandemic have impacted youth suicide rates.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70

2 RCW to read as follows:

3 (1) The department shall establish the Washington youth suicide  
4 review team to review the circumstances related to suicides occurring  
5 among youth up to age 25. The Washington youth suicide review team  
6 shall:

7 (a) Perform an in-depth review of each instance of persons under  
8 25 years old who have died by suicide in Washington during the 2020  
9 calendar year. The review team may not include suicides that occur  
10 within the boundaries of an Indian reservation if the tribal  
11 government opposes the review;

12 (b) Analyze circumstances affecting the lives of the persons who  
13 have been reviewed according to (a) of this subsection to ascertain  
14 the existence of any common factors that may have contributed to the  
15 persons' suicide. The analysis may include:

16 (i) A review of medical records related to a youth suicide,  
17 including as appropriate:

18 (A) Medical records, including mental health information;

19 (B) School records;

20 (C) Social services records, including individual case  
21 information; and

22 (D) Relevant legal records;

23 (ii) Home interviews of parents and caretakers of the person;

24 (iii) The impact of the COVID-19 pandemic and the state's  
25 response to the pandemic; and

26 (iv) Access to various lethal means; and

27 (c) Compile statistics to establish a description of the lives of  
28 youth in Washington who have died by suicide and recommendations for  
29 targeting intervention programs to reach youth at risk for suicide  
30 earlier in life.

31 (2)(a) The Washington youth suicide review team consists of the  
32 following members appointed by the governor, with the advice of the  
33 secretary of health:

34 (i) One person who is licensed as either a physician under  
35 chapter 18.71 RCW or osteopathic physician under chapter 18.57 RCW  
36 who practices as a psychiatrist and works primarily with youth;

37 (ii) One psychologist licensed under chapter 18.83 RCW who works  
38 primarily with youth;

1 (iii) One person who is licensed as either an advanced clinical  
2 social worker or independent clinical social worker under chapter  
3 18.225 RCW who works primarily with youth;

4 (iv) One person who is a member of the clergy, as defined in RCW  
5 26.44.020;

6 (v) Either an advanced registered nurse practitioner licensed  
7 under chapter 18.79 RCW, a physician assistant licensed under chapter  
8 18.71A RCW, or an osteopathic physician assistant licensed under  
9 chapter 18.57A RCW who works primarily with youth;

10 (vi) One representative of a tribal health department;

11 (vii) One representative of an organization that advocates for  
12 persons with mental illness and their family members;

13 (viii) One county coroner or medical examiner;

14 (ix) One person who is a member of the education community with  
15 experience related to existing and potential suicide prevention  
16 efforts for students in primary and secondary schools;

17 (x) One person who is a member of the law enforcement community  
18 with experience related to existing and potential suicide prevention  
19 efforts for youth who are involved with the law enforcement system;

20 (xi) One person who is a member of the legislative youth advisory  
21 council established under RCW 43.15.095, or a designee of the  
22 legislative youth advisory council;

23 (xii) One person who is a member of the child protection system  
24 with experience related to existing and potential suicide prevention  
25 efforts for youth involved with the child protection system; and

26 (xiii) One family member of a youth who died from suicide.

27 (b) In addition to the members identified in (a) of this  
28 subsection, the membership of the review team may vote to add one  
29 additional member with experience and perspectives that the review  
30 team determines may inform the activities of the review team.

31 (3) For the sole purposes of its analysis and review, the  
32 Washington youth suicide review team has the authority to:

33 (a) Request and receive data relevant to a specific youth's death  
34 by suicide including, but not limited to, all medical records related  
35 to the suicide, autopsy reports, medical examiner reports, coroner  
36 reports, and schools, law enforcement, justice system, and social  
37 services records; and

38 (b) Request and receive data as described in (a) of this  
39 subsection from health care providers, health care facilities,  
40 clinics, schools, law enforcement, the justice system, laboratories,

1 medical examiners, coroners, and any other relevant professions and  
2 facilities licensed by the department of health, local health  
3 jurisdictions, the health care authority, the department of social  
4 and health services, and the department of children, youth, and  
5 families.

6 (4) Upon request by the Washington youth suicide review team,  
7 health care providers, health care facilities, clinics, schools, law  
8 enforcement, the justice system, laboratories, medical examiners,  
9 coroners, and any other relevant professions and facilities licensed  
10 by the department of health, local health jurisdictions, the health  
11 care authority, the department of social and health services, and the  
12 department of children, youth, and families must provide all  
13 information and records related to a specific youth's death by  
14 suicide including but not limited to medical records, autopsy  
15 reports, medical examiner reports, coroner reports, social services  
16 records, and any other relevant data requested for a specific suicide  
17 to the Washington youth suicide review team.

18 (5) The Washington youth suicide review team shall develop  
19 protocols for contacting and interviewing families and caregivers as  
20 contemplated in subsection (1)(b)(iv) of this section. Such protocols  
21 shall be based on trauma-informed care principles and address:

22 (a) The review team's collection, use, and disclosure of  
23 information and records to families and caregivers related to the  
24 youth; and

25 (b) The fact that the interviews are voluntary.

26 (6) No information or data collected or created by the Washington  
27 youth suicide review team may be used for any purpose other than the  
28 analysis and work done by the review team.

29 (7) The department shall convene the meetings of the Washington  
30 youth suicide review team and assist the review team with its  
31 activities, as necessary, including the collection of information  
32 related to the work of the review team.

33 (8)(a) All health care information collected by the Washington  
34 youth suicide review team shall remain confidential and subject to  
35 chapter 70.02 RCW. When documents are collected as part of the work  
36 of the Washington youth suicide review team, the records may be used  
37 solely by the review team and the department of health for the  
38 purposes of supporting the activities of the review team.

39 (b) No identifying information related to the deceased person,  
40 the person's personal representatives, or anyone interviewed as part

1 of the work of the Washington youth suicide review team may be  
2 disclosed. Any such information shall be deidentified in accordance  
3 with the requirements set forth in 45 C.F.R. 164.514 from any records  
4 produced as part of the review team's activities.

5 (c) Any witness statements or documents collected from witnesses,  
6 or summaries or analyses of those statements or records prepared  
7 exclusively for purposes of the Washington youth suicide review team,  
8 are not subject to public disclosure, discovery, subpoena, or  
9 introduction into evidence in any administrative, civil, or criminal  
10 proceeding related to the death of a person reviewed. This provision  
11 does not restrict or limit the discovery or subpoena from a health  
12 care provider of records or documents maintained by such health care  
13 provider in the ordinary course of business, whether or not such  
14 records or documents may have been supplied to a local health  
15 department pursuant to this section. This provision does not restrict  
16 or limit the discovery or subpoena of documents from such witnesses  
17 simply because a copy of a document was collected as part of the  
18 Washington youth suicide review team.

19 (d) The requirements of this section shall be construed to be  
20 consistent with federal law regarding health care information, also  
21 known as protected health information or patient identifying  
22 information.

23 (e) Any identifying information collected by the Washington youth  
24 suicide review team is exempt from public disclosure under chapter  
25 42.56 RCW.

26 (9) The Washington youth suicide review team shall, in the course  
27 of its review, consider relevant suicide prevention analyses and  
28 recommendations by entities such as the children and youth behavioral  
29 health work group as established under RCW 74.09.4951, accountable  
30 communities of health as defined under RCW 82.04.43395, the Robert  
31 Bree collaborative as established under RCW 70.250.050, and any  
32 suicide review team or committee as may be established concurrent to  
33 the Washington youth suicide review team.

34 (10) The Washington youth suicide review team shall report its  
35 findings and recommendations to the governor and the committees of  
36 the legislature with jurisdiction over issues related to suicide  
37 prevention for youth by June 1, 2023. The report must include  
38 information regarding the feasibility of establishing locally based  
39 youth suicide review teams. Any compilation of data must be

1 summarized in a manner so as to prevent the identification of any  
2 specific person who was the subject of review.

3 (11) For purposes of this section, "suicide" or "death by  
4 suicide" means a death that is identified as a suicide through a  
5 death certificate, by a medical examiner or coroner, or by another  
6 process that may be determined by the department.

7 **Sec. 3.** RCW 70.02.050 and 2017 c 298 s 2 are each amended to  
8 read as follows:

9 (1) A health care provider or health care facility may disclose  
10 health care information, except for information and records related  
11 to sexually transmitted diseases which are addressed in RCW  
12 70.02.220, about a patient without the patient's authorization to the  
13 extent a recipient needs to know the information, if the disclosure  
14 is:

15 (a) To a person who the provider or facility reasonably believes  
16 is providing health care to the patient;

17 (b) To any other person who requires health care information for  
18 health care education, or to provide planning, quality assurance,  
19 peer review, or administrative, legal, financial, actuarial services  
20 to, or other health care operations for or on behalf of the health  
21 care provider or health care facility; or for assisting the health  
22 care provider or health care facility in the delivery of health care  
23 and the health care provider or health care facility reasonably  
24 believes that the person:

25 (i) Will not use or disclose the health care information for any  
26 other purpose; and

27 (ii) Will take appropriate steps to protect the health care  
28 information;

29 (c) To any person if the health care provider or health care  
30 facility believes, in good faith, that use or disclosure is necessary  
31 to prevent or lessen a serious and imminent threat to the health or  
32 safety of a person or the public, and the information is disclosed  
33 only to a person or persons reasonably able to prevent or lessen the  
34 threat, including the target of the threat. There is no obligation  
35 under this chapter on the part of the provider or facility to so  
36 disclose; or

37 (d) For payment, including information necessary for a recipient  
38 to make a claim, or for a claim to be made on behalf of a recipient

1 for aid, insurance, or medical assistance to which he or she may be  
2 entitled.

3 (2) A health care provider shall disclose health care  
4 information, except for information and records related to sexually  
5 transmitted diseases, unless otherwise authorized in RCW 70.02.220,  
6 about a patient without the patient's authorization if the disclosure  
7 is:

8 (a) To federal, state, or local public health authorities, to the  
9 extent the health care provider is required by law to report health  
10 care information; when needed to determine compliance with state or  
11 federal licensure, certification or registration rules or laws, or to  
12 investigate unprofessional conduct or ability to practice with  
13 reasonable skill and safety under chapter 18.130 RCW. Any health care  
14 information obtained under this subsection is exempt from public  
15 inspection and copying pursuant to chapter 42.56 RCW; ((~~or~~))

16 (b) When needed to protect the public health; or

17 (c) As requested by the department of health as needed to support  
18 the activities of the Washington youth suicide review team  
19 established in section 2 of this act.

20 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
21 this act, referencing this act by bill or chapter number, is not  
22 provided by June 30, 2021, in the omnibus appropriations act, this  
23 act is null and void.

24 NEW SECTION. **Sec. 5.** This act expires July 1, 2023.

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