

**Introduced by Senator Beall
(Coauthor: Senator Monning)**

February 23, 2015

An act to amend Section 16501.3 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

SB 319, as introduced, Beall. Child welfare services: public health nursing.

Existing law requires the State Department of Social Services to establish a program of public health nursing in the child welfare services program, and requires counties to use the services of the foster care public health nurse under this program. Existing law requires the foster care public health nurse to perform specified duties, including participating in medical care planning and coordinating for a child in foster care. Existing law also requires a county to establish a community child health and disability prevention program to provide early and periodic assessments of the health status of children in the county.

This bill would require a county to provide the services of a foster care public health nurse to children in foster care by contracting with the community child health and disability prevention program established in that county. The bill would require a foster care public health nurse to monitor and oversee each child in foster care who is administered one or more psychotropic medications, as specified. The bill would give the foster care public health nurse access to the child's medical, dental, and mental health care information in order to fulfill these duties. By imposing these additional duties on foster care public health nurses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16501.3 of the Welfare and Institutions
2 Code is amended to read:

3 16501.3. (a) The State Department of Social Services shall
4 establish and maintain a program of public health nursing in the
5 child welfare services program that meets the federal requirements
6 for the provision of healthcare to minor and nonminor dependents
7 in foster care consistent with Section 30026.5 of the Government
8 Code. The purpose of the public health nursing program shall be
9 to ~~identify, respond to, and enhance~~ *promote and protect* the
10 physical, mental, dental, and developmental well-being of children
11 in the child welfare system.

12 (b) Under this program, counties shall ~~use~~ *provide* the services
13 of a foster care public health nurse *to children in foster care by*
14 *contracting with the community child health and disability*
15 *prevention program established in that county pursuant to Section*
16 *124040 of the Health and Safety Code.* The foster care public health
17 nurse ~~shall work with the appropriate child welfare services~~
18 ~~workers to coordinate health care services~~ *and the child's social*
19 *worker shall consult and collaborate to ensure that the child's*
20 *physical, mental, dental, and developmental needs are met. The*
21 *foster care public health nurse shall serve as a liaison with health*
22 *care professionals and other providers of health-related services.*
23 ~~This shall include coordination with county mental health plans~~
24 ~~and local health jurisdictions, as appropriate.~~ *In order to fulfill*
25 *these duties, the foster care public health nurse shall have access*
26 *to the child's medical, dental, and mental health care information.*

27 (c) The duties of a foster care public health nurse shall include,
28 but need not be limited to, the following:

1 (1) Documenting that each child in foster care receives initial
2 and followup health screenings that meet reasonable standards of
3 medical practice.

4 (2) Collecting health information and other relevant data on
5 each foster child as available, receiving all collected information
6 to determine appropriate referral and services, and expediting
7 referrals to providers in the community for early intervention
8 services, specialty services, dental care, mental health services,
9 and other health-related services necessary for the child.

10 (3) Participating in medical care planning and coordinating for
11 the child. This may include, but is not limited to, assisting case
12 workers in arranging for comprehensive health and mental health
13 assessments, interpreting the results of health assessments or
14 evaluations for the purpose of case planning and coordination,
15 facilitating the acquisition of any necessary court authorizations
16 for procedures or medications, advocating for the health care needs
17 of the child and ensuring the creation of linkage among various
18 providers of care.

19 (4) Providing followup contact to assess the child's progress in
20 meeting treatment goals.

21 (5) At the request of and under the direction of a nonminor
22 dependent, as described in subdivision (v) of Section 11400, ~~assist~~
23 *assisting* the nonminor dependent in accessing physical health and
24 mental health care, coordinating the delivery of health and mental
25 health care services, advocating for the health and mental health
26 care that meets the needs of the nonminor dependent, ~~and to assist~~
27 *assisting the nonminor dependent to make an informed decision*
28 *to begin or continue taking psychotropic medications, and assisting*
29 the nonminor dependent to assume responsibility for his or her
30 ongoing physical and mental health care management.

31 (6) *Monitoring and oversight of each child in foster care who*
32 *is administered one or more psychotropic medications. This*
33 *oversight shall include the review of each request for psychotropic*
34 *medication filed pursuant to Section 369.5 to ensure that lab tests,*
35 *other screenings and measurements, evaluations, and assessments*
36 *required to meet reasonable standards of medical practice have*
37 *been completed. The foster care public health nurse shall also*
38 *ensure that all of the following occur:*

39 (A) *The juvenile court has authorized the psychotropic*
40 *medication to be administered to the child.*

1 (B) *Periodic followup visits with the prescribing physician, lab*
 2 *work, and other measurements are completed.*

3 (C) *The child’s health and education passport, as described in*
 4 *Section 16010, includes accurate documentation concerning the*
 5 *psychotropic medications authorized for and administered to the*
 6 *child.*

7 (D) *The medication’s efficacy in addressing the illness or*
 8 *symptoms for which it was prescribed are documented.*

9 (E) *Any adverse effects of the medication reported by the child’s*
 10 *caregiver are promptly addressed, and, if necessary, brought to*
 11 *the attention of the court.*

12 (d) The services provided by foster care public health nurses
 13 under this section shall be limited to those for which reimbursement
 14 may be claimed under Title XIX at an enhanced rate for services
 15 delivered by skilled professional medical personnel.
 16 Notwithstanding any other ~~provision~~ of law, this section shall be
 17 implemented only if, and to the extent that, the department
 18 determines that federal financial participation, as provided under
 19 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
 20 et seq.), is available.

21 (e) (1) The State Department of Health Care Services shall seek
 22 any necessary federal approvals for child welfare agencies to
 23 appropriately claim enhanced federal Title XIX funds for services
 24 provided pursuant to this section.

25 (2) Commencing in the fiscal year immediately following the
 26 fiscal year in which the necessary federal approval pursuant to
 27 paragraph (1) is secured, county child welfare agencies shall
 28 provide health care oversight and coordination services pursuant
 29 to this section, and may accomplish this through agreements with
 30 local public health agencies.

31 (f) (1) Notwithstanding Section 10101, prior to the 2011–12
 32 fiscal year, there shall be no required county match of the
 33 nonfederal cost of this program.

34 (2) Commencing in the 2011–12 fiscal year, and each fiscal
 35 year thereafter, funding and expenditures for programs and
 36 activities under this section shall be in accordance with the
 37 requirements provided in Sections 30025 and 30026.5 of the
 38 Government Code.

39 SEC. 2. If the Commission on State Mandates determines that
 40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

O