

August 22, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-59 ERRATA

The purpose of this Errata is to correct specific language in [All County Letter 21-59](#) that relates to nonminors dependents who were prescribed three or more concurrent psychotropic medications for 90 days or longer and provides clarification about the use of the [JV-228](#) and [JV-229](#) forms for nonminors.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

August 22, 2022

ALL COUNTY LETTER (ACL) NO. 21-59 ERRATA

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL ADOPTION REGIONAL OFFICES
ALL FOSTER CARE MANAGERS

SUBJECT: RELEASE OF PSYCHOTROPIC MEDICATION INFORMATION
FOR CHILDREN IN FOSTER CARE TO THE MEDICAL BOARD
OF CALIFORNIA

REFERENCE: [SB 377](#) (CHAPTER 547, STATUTES OF 2019); [ALL COUNTY LETTER 21-59](#); CALIFORNIA RULES OF COURT [RULE 5.640](#), [RULE 5.642](#); AND WELFARE AND INSTITUTION CODE SECTIONS [369.5](#), [739.5](#) AND [14028](#)

BACKGROUND

On June 19, 2021, the California Department of Social Services (CDSS) issued All County Letter [\(ACL\) 21-59](#) to inform county placing agencies of the changes brought forth by [Senate Bill \(SB\) 377](#) and implemented by [California Rule of Court 5.642](#) regarding the authorization for the release of a foster child's medical information to the Medical Board of California (MBC). This authorization is limited only to the medical information relevant to the MBC's review and may only be used for the purpose of investigating prescribing practices of psychotropic medication that are inconsistent with the standard of care.

Effective September 1, 2020, [California Rule of Court 5.642](#) requires that when a [JV-220 Application for Psychotropic Medication](#) is filed with the court. The applicant of the [JV-220](#) Application for Psychotropic Medication must review the Physician's Statement-Attachment ([form JV-220\(A\)](#)) or Physician's Request to Continue Medication-Attachment ([form JV-220\(B\)](#)) to determine if the request would result in the child being prescribed three or more concurrent psychotropic medications for 90 days or more. If so, the applicant is responsible to provide the child's attorney with blank copies of *Position on Release of Information to Medical Board of California* (form [JV-228](#)), *Background on Release of Information to Medical Board of California* (form [JV-](#)

[228-INFO](#)), and *Withdrawal of Release of Information to Medical Board of California* (form [JV-229](#)).

PURPOSE

The purpose of this Errata is to correct certain language written in [ACL 21-59](#) that pertains to nonminor dependents (NMDs) who were prescribed three or more concurrent psychotropic medications for 90 days or longer and to clarify the [JV-220](#) process and the provision of court forms [JV-228](#) and [JV-229](#) to NMDs.

Specifically, page two of [ACL 21-59](#) is corrected and deletes the reference made to NMDs as it relates to the filing of a [JV-220](#) Application for Psychotropic Medication (form [JV-220\(A\)](#)) or the Physician's Request to Continue Medication (form [JV-220\(B\)](#)). Additionally, page four of [ACL 21-59](#) is corrected and deletes the reference made to NMDs as it relates to the [JV-223](#) and [JV-224](#) forms. Said corrections are based on existing law that allows NMDs the right to possess legal decision authority, including the right to consent to their own medical care as all other adults without requiring the court's authorization. As such, unless a court order states otherwise, the [JV-220](#) process does not apply to NMDs.

[California Rule of Court 5.642](#)(b) and (d) allows a NMD, who was prescribed three or more concurrent psychotropic medications for 90 days or longer, to use the [JV-228](#) form to authorize the MBC to review their medical information as it relates to psychotropic medication, and to use the [JV-229](#) form to withdraw a prior authorization. [Rule 5.642](#), however, does not provide a specific point in time when a NMD is to be provided a copy of the [JV-228](#) and [JV-229](#) forms, therefore, counties should provide the [JV-228](#) and [JV-229](#) forms to an NMD upon their request. Counties should encourage a NMD to talk with their health care provider about any concerns they may have about psychotropic medication they are currently being prescribed or were previously prescribed as a minor, and with their attorney to review, complete, and file the [JV-228](#) or [JV-229](#) forms as appropriate.

If you have any questions or need additional guidance regarding the information in this letter, contact the Placement Services Support Unit at, (916) 657-1858, or via email at QIPsychotropic@dss.ca.gov.

Sincerely,

Original Document Signed By:

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division