



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

July 7, 2014

ALL COUNTY INFORMATION NOTICE NO. I-16-14

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS

SUBJECT: SOCIAL WORKER CONSENT FOR HUMAN IMMUNODEFICIENCY
VIRUS (HIV) TESTING

REFERENCE: ASSEMBLY BILL (AB) 506 (CHAPTER 153, STATUTES OF 2013);
HEALTH AND SAFETY CODE (H&SC) SECTION 121020; WELFARE
AND INSTITUTIONS CODE (W&IC) SECTION 360 AND 369

This All County Information Notice (ACIN) provides information regarding recent legislative changes as they pertain to HIV testing of an infant who is less than 12 months of age.

Prior to the enactment of AB 506, when the subject of an HIV test was under the age of 12 years, consent for testing could be obtained from the subject's parents, guardians, conservators, or other person authorized to make health decisions for the subject. If the subject was a minor and a dependent pursuant to W&IC section 360, written consent for testing could be obtained by court order.

Effective January 1, 2014, AB 506 amends H&SC section 121020 and allows a social worker to provide written consent for an HIV test to be performed on an infant who is less than 12 months of age when:

- 1) The infant has been taken into temporary custody; or the infant has been adjudged a dependent of the juvenile court; or a petition has been filed with the court to adjudge the infant a dependent,
- 2) The infant is receiving medical care pursuant to W&IC section 369,
- 3) The attending physician and surgeon determine that HIV testing is necessary to provide appropriate care,

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

- 4) The social worker provides known information about the infant's possible risk factors regarding exposure to HIV to the attending physician and surgeon, and
- 5) The social worker has made reasonable efforts to contact the parent but was unable to do so.

When authorizing and performing the test, the attending physician, surgeon, and the social worker must comply with all applicable state and federal confidentiality and privacy laws to protect the confidentiality and privacy interest of both the infant and the biological mother.

If the test for which the social worker provided consent indicates that the infant tests positive for HIV pursuant to this section, the social worker shall provide to the physician and surgeon any available contact information for the biological mother for purposes of reporting the HIV infection to the local health officer pursuant to H&SC section 121022. Cases reported to the local health officer under this subdivision are subject to the requirements of H&SC section 120175.

If upon receiving the positive HIV test results the physician and surgeon determine that immediate HIV medical care is necessary, that care shall be considered "emergency medical care" pursuant to W&IC section 369(d). Emergency medical care may be provided by a licensed physician and surgeon without court order and upon authorization by the social worker under that section. Note that the social worker must make reasonable efforts to obtain the consent of or to notify the parent prior to authorizing emergency medical care.

If you have any questions regarding this ACIN, please contact the Foster Care Support Services Bureau at (916) 651-7465.

Sincerely,

Original Document Signed By:

KAREN B. GUNDERSON, Chief
Child and Youth Permanency
Children and Family Services Division