

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



November , 2007

ALL COUNTY INFORMATION NOTICE I-XX-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL CWS PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: PSYCHOTROPIC MEDICATIONS

The enactment of Assembly Bill 636, Steinberg, ch. 678, Statutes of 2001, placed increased importance on the need for accurate, timely, and complete Child Welfare Services (CWS) data. The Child Welfare services Case Management System (CWS/CMS) is the primary source of information for the California CWS Outcomes and Accountability Quarterly Data Reports for each child welfare agency. This All-County Information Notice (ACIN) is intended to assist counties in meeting critical CWS program documentation, data reporting, and program performance measurement requirements. This and future ACINs will provide information to assist counties in uniformly following program policy and data entry protocols to continuously improve data in CWS/CMS.

Introduction of New Measure:**5F – Authorized Psychotropic Medication**

Welfare and Institutions Code (WIC) § 16010 requires that each child placed in foster care have a health and education record that includes current medications, including those prescribed to manage a mental health condition. Psychotropic medications are defined in WIC § 369.5(d) as follows:

Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

For dependents of the juvenile court with a prescribed psychotropic medication, court authorization or parental consent for the administration of the medication shall be documented in the child's record. The CWS/CMS record must include the date of consent as required by WIC § 369.5 (a). The procedures for obtaining and documenting judicial consent are specified in California Rules of Court § 5.640.

The Health Insurance Portability & Accountability Act of 1996 (HIPAA) does not restrict the receipt of medical information by social workers who have care and custody of a foster child, and does not restrict the entry of the child's medical information into the CWS-CMS system. State law has been clarified on this point by AB 1687 (2007) which recently added Civil Code Section 56.103. Entry of medical data into the CWS-CMS system, and provision of the Health Passport to the child's foster parent, are required under state law to assist with the coordination of health care services to the minor and thus allowed under Civil Code Section 56.103. The foster parent should be carefully and strongly advised about the need to keep the child's health information confidential, aside from sharing it with the child's social worker, probation officer, or medical services provider.

Although parental or judicial consent is not required prior to the administration of a prescribed psychotropic medication for a child adjudged a dependent of the court under WIC § 600, if local rules have been adopted pursuant to WIC § 1432.5(i), judicial consent may be necessary.

The measure relies upon county staff to enter medication and consent accurately in CWS/CMS. Based on the documentation this measure will present the percent of CWS children in foster care with a court order or parental consent authorizing the child to receive psychiatric medications. Attachment A is the methodology for Measure 5F.

CWS/CMS Instructions:

The instructions provided in Attachment B, outline the corresponding fields and values that are used for Measure 5F. Instructions for other fields in CWS/CMS, specifically used in the completion of the Health notebook, are included but are not used in the data collection for Measure 5F.

If you have questions or need further information, please contact your C-CFSR Consultant at 916-651-8100 or send an email to chldserv@dss.ca.gov.

Sincerely,

Original Document Signed By:

MARY AULT, Deputy Director
Children and Family Services Division

C: California Welfare Directors Association
Chief Probation Officers of California

Attachments