

AMENDED IN ASSEMBLY APRIL 15, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2322

Introduced by Assembly Member Bates

February 15, 1996

An act to ~~amend Section 17710 of~~ *add Section 17732.1 to the* Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2322, as amended, Bates. Children with special health care needs.

Existing law provides for the delivery of specified services to persons with developmental disabilities through regional centers.

Existing law requires the State Department of Social Services to develop a program to establish specialized foster care homes for children with special health care needs and authorizes counties and regional centers to place these children. Existing law defines "child with special health care needs" to include, among ~~other things~~ *others*, a child who has a developmental disability and is receiving services and case management from a regional center.

This bill would ~~revise this definition to include a person who is 22 years of age or younger that has a developmental disability and is receiving services and case management from a regional center~~ *permit a child with special health care needs to remain in a specialized foster care home after the age of 18*

years and until completion of his or her publicly funded educational program, if certain conditions are met.

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

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

1 ~~SECTION 1.—Section 17710 of the Welfare and~~
2 *SECTION 1. Section 17732.1 is added to the Welfare*
3 *and Institutions Code, to read:*
4 *17732.1. A child with special health care needs may*
5 *remain in a specialized foster care home after the age of*
6 *18 years, and until he or she has completed his or her*
7 *publicly funded educational program, if both of the*
8 *following requirements are met:*
9 *(a) The child was a resident in the home prior to the*
10 *age of 18.*
11 *(b) A determination regarding whether the child may*
12 *remain as a resident after the age of 18 years is made*
13 *through the agreement of all parties involved, including*
14 *the resident, the foster parent, the foster family agency*
15 *social worker, the resident’s regional center case*
16 *manager, the resident’s parent, legal guardian, or*
17 *conservator, as appropriate. This determination shall*
18 *include a needs and service plan that contains an*
19 *assessment of the child’s needs and of continued*
20 *compatibility with the other children in placement. The*
21 *needs and service plan shall be completed within the six*
22 *months prior to the child’s 18th birthday. The assessment*
23 *shall be documented and maintained in the child’s file*
24 *with the specialized health care home.*
25 ~~Institutions Code is amended to read:~~
26 ~~17710.—Unless otherwise specified in this part:~~
27 ~~(a) “Child with special health care needs” means a~~
28 ~~child who has a condition that can rapidly deteriorate~~
29 ~~resulting in permanent injury or death or who has a~~
30 ~~medical condition that requires specialized in-home~~
31 ~~health care, and who either has been adjudged a~~
32 ~~dependent of the court pursuant to Section 300, has not~~
33 ~~been adjudged a dependent of the court pursuant to~~



1 ~~Section 300 but is in the custody of the county welfare~~
2 ~~department, or a person who is 22 years of age or younger~~
3 ~~and has a developmental disability and is receiving~~
4 ~~services and case management from a regional center.~~

5 (b) ~~“County” means the county welfare department.~~

6 (c) ~~“Department” means the State Department of~~
7 ~~Social Services.~~

8 (d) ~~“Individualized health care plan team” means~~
9 ~~those individuals who develop a health care plan for a~~
10 ~~child with special health care needs in a specialized foster~~
11 ~~care home, as defined in subdivision (i) or group home,~~
12 ~~which shall include the child’s primary care physician or~~
13 ~~other health care professional designated by the~~
14 ~~physician, any involved medical team, and the county~~
15 ~~social worker or regional center worker, and any health~~
16 ~~care professional designated to monitor the child’s~~
17 ~~individualized health care plan pursuant to paragraph~~
18 ~~(8) of subdivision (e) of Section 17731, including, if the~~
19 ~~child is in a certified home, the registered nurse~~
20 ~~employed by or under contract with the certifying~~
21 ~~agency to supervise and monitor the child. The child’s~~
22 ~~individualized health care plan team may also include,~~
23 ~~but shall not be limited to, a public health nurse,~~
24 ~~representatives from the California Children’s Services~~
25 ~~Program or the Child Health and Disability Prevention~~
26 ~~Program, regional centers, the county mental health~~
27 ~~department and where reunification is the goal, the~~
28 ~~parent or parents, if available. In addition, where the~~
29 ~~child is in a specialized foster care home, the~~
30 ~~individualized health care plan team may include the~~
31 ~~prospective specialized foster parents, who shall not~~
32 ~~participate in any team decision pursuant to paragraph~~
33 ~~(6) of subdivision (e) of Section 17731 or pursuant to~~
34 ~~paragraph (3) of subdivision (a), or subparagraph (A) of~~
35 ~~paragraph (2) of subdivision (b) of Section 17732.~~

36 (e) ~~“Director” means the Director of Social Services.~~

37 (f) ~~“Level of care” means a description of the~~
38 ~~specialized in-home health care to be provided to a child~~
39 ~~with special health care needs by the foster family.~~



1 ~~(g) Medical conditions requiring specialized in-home~~
2 ~~health care require dependency upon one or more of the~~
3 ~~following: enteral feeding tube, total parenteral feeding,~~
4 ~~a cardiorespiratory monitor, intravenous therapy, a~~
5 ~~ventilator, oxygen support, urinary catheterization, renal~~
6 ~~dialysis, ministrations imposed by tracheostomy,~~
7 ~~colostomy, ileostomy, or other medical or surgical~~
8 ~~procedures or special medication regimens, including~~
9 ~~injection, and intravenous medication.~~

10 ~~(h) “Specialized in-home health care” includes, but is~~
11 ~~not limited to, those services identified by the child’s~~
12 ~~primary physician as appropriately administered in the~~
13 ~~home by any one of the following:~~

14 ~~(1) A parent trained by health care professionals~~
15 ~~where the child is being placed in, or is currently in, a~~
16 ~~specialized foster care home.~~

17 ~~(2) Group home staff trained by health care~~
18 ~~professionals pursuant to the discharge plan of the facility~~
19 ~~releasing the child where the child was placed in the~~
20 ~~home as of November 1, 1993, and who is currently in the~~
21 ~~home.~~

22 ~~(3) A health care professional, where the child is~~
23 ~~placed in a group home after November 1, 1993. The~~
24 ~~health care services provided pursuant to this paragraph~~
25 ~~shall not be reimbursable costs for the purpose of~~
26 ~~determining the group home rate under Section 11462.~~

27 ~~(i) “Specialized foster care home” means any of the~~
28 ~~following foster homes where the foster parents reside in~~
29 ~~the home and have been trained to provide specialized~~
30 ~~in-home health care to foster children:~~

31 ~~(1) Licensed foster family homes, as defined in~~
32 ~~paragraph (5) of subdivision (a) of Section 1502 of the~~
33 ~~Health and Safety Code.~~

34 ~~(2) Licensed small family homes, as defined in~~
35 ~~paragraph (6) of subdivision (a) of Section 1502 of the~~
36 ~~Health and Safety Code.~~

37 ~~(3) Certified family homes, as defined in subdivision~~
38 ~~(d) of Section 1506 of the Health and Safety Code, that~~
39 ~~have accepted placement of a child with special health~~
40 ~~care needs who is under the supervision and monitoring~~



- 1 ~~of a registered nurse employed by, or on contract with,~~
- 2 ~~the certifying agency, and who is either of the following:~~
- 3 ~~(A) A dependent of the court under Section 300.~~
- 4 ~~(B) Developmentally disabled and receiving services~~
- 5 ~~and case management from a regional center.~~

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