

Senate Bill 238

Psychotropic Drugs in Child Welfare Services

Senator Holly J. Mitchell

SUMMARY

SB 238 would provide child welfare services social workers and other partner agencies serving these children with the data, training and tools needed to provide appropriate oversight of these treatments for the children in their care.

BACKGROUND

The recent series in the San Jose Mercury, combined with the GAO's Report and a special Congressional hearing, have raised awareness of the possible overutilization of psychotropic medications for youth and children in foster care.

Child Welfare Services Social Workers rely on experts in the field of Behavioral Health to diagnose and recommend treatment for children who may be exhibiting behaviors symptomatic of mental illness. Prescribed treatment may include cognitive therapy or other therapeutic approaches, but may also include psychotropic and antidepressant drugs. Sometimes, this regimen of drug treatment includes multiple prescriptions that may interact negatively, and also may include prescriptions at dosage levels that are inappropriate for the age, weight and developmental stage of the child or youth.

Because CWS social workers are not behavior or medical experts, however, they are not able to consider the propriety of such treatments. Additionally, data is not readily available to the social workers regarding the actual medications being taken, rather than just those that are prescribed. Finally, it is important to ensure that the observations of youth and caregivers, as well

as social workers, are taken into account in managing the medication process.

Some states have taken steps to address these issues, although it is not clear which of these states are enjoying verifiable successes. Illinois, New Jersey and Connecticut have instituted medication monitoring protocols. Other states have commenced or completed comprehensive studies on utilization. Illinois also has developed a "consultation" protocol, acting as the "second opinion" for interested parties.

The goal of this legislation is to develop and review data, to develop a system of alerts, to update court processes and forms, and to improve training for county workers and others who work directly with children for cases in which psychotropic medications and/or antidepressants are being prescribed for a foster youth.

THIS BILL

SB 238 would do the following:

- 1) The development by the California Department of Social Services and California Department of Health Care Services of monthly data reports, matching prescription and claims data with child welfare services records, that shall be shared with counties, the courts, children's attorneys and court-appointed advocates for children.
- 2) The development of a system that triggers an alert to those receiving monthly data reports when potentially dangerous interactions could occur with other prescribed medications or psychotropic medications are

prescribed, or are prescribed in dosages, that are unusual for a child or a child of that age.

- 3) Updates to court processes and the JV-220 court form to provide opportunities for key stakeholders, including the child for whom medication is being prescribed and his or her caregiver, to provide information and feedback and to provide details on the overall mental health treatment plan for the child.
- 4) Training for physicians, child welfare social workers, foster children, caregivers and attorneys for children regarding psychotropic medications.

SUPPORT

- County Welfare Directors Association of California (Sponsor)
- National Center for Youth Law (Co-Sponsor)
- Advokids
- Alameda County Foster Youth Alliance
- Alameda County Social Services Agency
- American Federation of State, County and Municipal Employees (AFSCME)
- Attorney General Kamala Harris
- California CASA
- California Conference of the NAACP
- California Court Appointed Special Advocates (CASA)
- California State Association of Counties (CSAC)
- California Youth Connection
- Children's Advocacy Institute
- Children's Law Center
- The Children's Partnership
- Dependency Legal Group of San Diego
- First Focus Campaign for Children
- Humboldt County Transition Age Youth Collaboration
- John Burton Foundation
- Legal Advocates for Children and Youth
- Peers Envisioning and Engaging in Recovery Services

- Public Counsel's Children's Rights Project
- San Joaquin County Human Services Agency
- Santa Clara County Board of Supervisors
- Stanislaus County Community Service Agency
- University of Maryland School of Pharmacy
- Urban Counties Caucus
- Ventura County Board of Supervisors
- Youth Law Center

OPPOSITION

None on file

FOR MORE INFORMATION

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