8lr1985

By: Delegate Wilson Delegates Wilson, Pendergrass, Bromwell, Angel, Rosenberg, Morgan, McDonough, Kelly, Saab, Miele, Morales, Pena-Melnyk, Hayes, Szeliga, Kipke, Sample-Hughes, K. Young, Barron, Metzgar, West, Hill, Cullison, Platt, and Krebs

Introduced and read first time: February 9, 2018 Assigned to: Appropriations and Health and Government Operations

Committee Report: Favorable with amendments House action: Adopted Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

Human Services - Children in Out-of-Home Placement <u>Receiving Child Welfare</u> <u>Services</u> - Centralized Comprehensive Health Care Monitoring Program

4 FOR the purpose of establishing a State Medical Director for Children in Out-of-Home $\mathbf{5}$ Placement <u>Receiving Child Welfare Services</u> in the Department of Human Services; 6 providing for the appointment of the State Medical Director; establishing certain 7 qualifications for the State Medical Director; establishing certain responsibilities of 8 the State Medical Director; requiring the State Medical Director and all personnel supervised by the State Medical Director to have access to certain confidential 9 information and records; requiring the State Medical Director to appoint Regional 10 Medical Directors for Children in Out-of-Home Placement: establishing certain 11 12qualifications for Regional Medical Directors; establishing certain regions in the 13 State and requiring that there be at least one Regional Medical Director in each region: establishing certain responsibilities of a Regional Medical Director; 14 15establishing that a Regional Medical Director and all personnel supervised by a 16 Regional Medical Director shall have access to certain confidential information and 17records; requiring the State Medical Director and the Regional Medical Directors to 18 establish a Centralized Comprehensive Health Care Monitoring Program in 19consultation with local departments of social services; requiring that the Program 20comply with a certain standard; declaring the intent of the General Assembly; 21requiring the Department to report to the General Assembly on or before a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



date; and generally relating to comprehensive health care monitoring for children in

 $\mathbf{2}$ out-of-home placement. 3 BY adding to 4 Article – Human Services Section 8–1101 through 8–1104 8–1103 to be under the new subtitle "Subtitle 11. $\mathbf{5}$ in Out-of-Home Placement 6 Receiving Child Welfare Children 7 Services - Centralized Comprehensive Health Care Monitoring Program" 8 Annotated Code of Maryland 9 (2007 Volume and 2017 Supplement) 10 Preamble 11 WHEREAS, Numerous studies have determined that children in foster care have 12more serious physical and mental health problems and risks than nearly any other 13population group in the nation; and 14WHEREAS, Adverse childhood experiences, including experiencing child abuse and 15neglect, may have serious long-term, negative outcomes on physical and mental health 16 without adequate intervention; and 17WHEREAS, The State of Maryland has a legal and moral responsibility to provide appropriate health care services to meet the needs of children in foster care in the State; 1819 and 20WHEREAS, The Department of Legislative Services has audited the foster care 21agencies of the Department of Human Services and found significant deficiencies in the 22record keeping and monitoring of the health of children in foster care; and

WHEREAS, Data from the Children's Review Board for Children has revealed significant problems and difficulties in the identification of health problems, the provision of health care, and the monitoring of the health needs of foster children and the health care provided to them; and

WHEREAS, The Department of Human Services has no effective system for tracking
the health care needs of, or services received by, children committed to its care through
local departments of social services; and

WHEREAS, Child welfare agencies in other states have imported Medicaid data into
 their State Automated Child Welfare Information System databases, known in Maryland
 as the Maryland Children's Electronic Social Services Information Exchange; and

33 WHEREAS, Without evaluations by experts in child abuse, children with abusive 34 injuries may be incorrectly diagnosed as having accidental injuries and children with 35 accidental injuries may be incorrectly diagnosed as having abusive injuries; and

 $\mathbf{2}$

1

1 WHEREAS, The Baltimore City Department of Social Services has contracted for 2 the operation of a centralized comprehensive health care monitoring program, the Making 3 All the Children Healthy (MATCH) program, that serves all of the foster children in its 4 custody; and

5 WHEREAS, One of the most important features of the MATCH program is the 6 required hiring of a medical director to oversee the operations of the MATCH program and 7 ensure the provision of timely quality health care to Baltimore foster children; and

8 WHEREAS, Health oversight programs in other states have improved the health 9 care services and health care outcomes of foster youth, including better asthma outcomes 10 than other Medicaid recipients; and

11 WHEREAS, Baltimore City is the only jurisdiction in the State with a program 12 comparable to health oversight programs that serve foster children in other states and the 13 only jurisdiction in the State with a medical director responsible for overseeing the 14 provision of health care to foster children; now, therefore,

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 16 That the Laws of Maryland read as follows:

17 Article – Human Services

SUBTITLE 11. CHILDREN IN OUT-OF-HOME PLACEMENT RECEIVING CHILD WELFARE SERVICES - CENTRALIZED COMPREHENSIVE HEALTH CARE MONITORING PROGRAM.

21 **8–1101.**

22 (A) THERE IS A STATE MEDICAL DIRECTOR <u>FOR CHILDREN RECEIVING</u> 23 <u>CHILD WELFARE SERVICES</u> IN THE DEPARTMENT FOR CHILDREN IN 24 OUT-OF-HOME PLACEMENT.

25 (B) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND 26 DEPARTMENT OF HEALTH, SHALL APPOINT THE STATE MEDICAL DIRECTOR FOR 27 CHILDREN IN OUT-OF-HOME PLACEMENT RECEIVING CHILD WELFARE SERVICES.

28 (C) THE STATE MEDICAL DIRECTOR FOR CHILDREN IN OUT-OF-HOME 29 PLACEMENT <u>RECEIVING CHILD WELFARE SERVICES</u> SHALL:

30 (1) BE A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE;

31 (2) HAVE EXPERIENCE IN PROVIDING MEDICAL CARE TO CHILDREN; 32 AND

1 (3) BE KNOWLEDGEABLE ABOUT THE UNIQUE HEALTH NEEDS OF 2 CHILDREN IN OUT-OF-HOME PLACEMENT AND CHILDREN WHO ARE VICTIMS OF 3 CHILD ABUSE OR NEGLECT.

4 **8–1102.**

5 (A) THE STATE MEDICAL DIRECTOR FOR CHILDREN IN OUT-OF-HOME 6 PLACEMENT RECEIVING CHILD WELFARE SERVICES SHALL:

- 7 (1) COLLECT DATA ON THE TIMELINESS AND EFFECTIVENESS OF THE
 8 PROVISION OR PROCUREMENT OF HEALTH CARE SERVICES FOR CHILDREN IN THE
 9 CUSTODY OF THE LOCAL DEPARTMENTS;
- 10 (2) TRACK HEALTH OUTCOMES FOR CHILDREN IN OUT-OF-HOME 11 PLACEMENT USING THE MOST RECENT HEALTHCARE EFFECTIVENESS DATA AND 12 INFORMATION SET (HEDIS) MEASURES RELEVANT TO CHILDREN INCLUDING:
- 13 (I) IMMUNIZATION STATUS;
- 14 (II) LEAD SCREENING;
- 15 (III) MEDICAL MANAGEMENT OF ASTHMA;
- 16 (IV) FOLLOW-UP CARE FOR CHILDREN PRESCRIBED ADHD 17 MEDICATIONS;
- 18(V) DEPRESSION SCREENING AND FOLLOW-UP FOR19 ADOLESCENTS;2020(VI) ANTIDEPRESSANT MEDICATION MANAGEMENT;
- 21 (VII) FOLLOW-UP AFTER AN EMERGENCY DEPARTMENT VISIT OR 22 HOSPITALIZATION FOR MENTAL ILLNESS;
- 23(VIII) METABOLICMONITORINGANDUSEOFFIRST-LINE24PSYCHOSOCIAL CARE FOR ADOLESCENTS ON ANTIPSYCHOTIC MEDICATIONS;
- 25(IX) APPROPRIATE TREATMENT FOR CHILDREN WITH UPPER26RESPIRATORY INFECTIONS; AND
- 27
- (X) PROVISION OF COMPREHENSIVE DIABETES CARE;

(3) ASSESS THE COMPETENCY, INCLUDING THE CULTURAL
COMPETENCY, OF HEALTH CARE PROVIDERS WHO EVALUATE AND TREAT ABUSED
AND NEGLECTED CHILDREN IN THE CUSTODY OF A LOCAL DEPARTMENT;

1 (4) (I) PERIODICALLY ASSESS THE SUPPLY AND DIVERSITY OF 2 HEALTH CARE SERVICES THAT EVALUATE AND TREAT CHILDREN IN OUT-OF-HOME 3 PLACEMENT, IDENTIFY SHORTFALLS, IF ANY, AND REPORT THEM TO THE RELEVANT 4 LOCAL DEPARTMENT, THE DEPARTMENT, AND THE MARYLAND DEPARTMENT OF 5 HEALTH; AND

6 (II) WORK WITH STATE AND LOCAL HEALTH AND CHILD 7 WELFARE OFFICIALS, PROVIDER AGENCIES, AND ADVOCATES TO EXPAND THE 8 SUPPLY AND DIVERSITY OF HEALTH CARE SERVICES; AND

9 (5) WORK WITH STATE AND LOCAL HEALTH AND CHILD WELFARE 10 OFFICIALS, PROVIDER AGENCIES, AND ADVOCATES TO IDENTIFY SYSTEMIC 11 PROBLEMS AFFECTING HEALTH CARE FOR CHILDREN IN OUT-OF-HOME 12 PLACEMENT AND DEVELOP SOLUTIONS; AND

13(6)USING PRACTICE GUIDELINES DEVELOPED BY CHILD ABUSE14MEDICAL PROVIDERS (MARYLAND CHAMP), THE AMERICAN ACADEMY OF15PEDIATRICS, THE HELFER SOCIETY, AND OTHER EXPERT ORGANIZATIONS, ENSURE16BEST-PRACTICE MEDICAL REVIEW AND EVALUATION OF CASES OF SUSPECTED17CHILD ABUSE OR NEGLECT.

18(B) THE STATE MEDICAL DIRECTOR FOR CHILDREN RECEIVING CHILD19WELFARE SERVICES AND ALL PERSONNEL SUPERVISED BY THE STATE MEDICAL20DIRECTOR FOR CHILDREN RECEIVING CHILD WELFARE SERVICES SHALL HAVE21ACCESS TO ALL CONFIDENTIAL INFORMATION AND RECORDS AVAILABLE TO, OR IN22THE POSSESSION OF, A LOCAL DEPARTMENT.

23THE STATE MEDICAL **(C)** (1) DIRECTOR FOR CHILDREN 24IN OUT-OF-HOME PLACEMENT RECEIVING CHILD WELFARE SERVICES SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 2526OF THE STATE GOVERNMENT ARTICLE, ON THE CURRENT STATUS OF HEALTH CARE SERVICES FOR CHILDREN IN OUT-OF-HOME PLACEMENT IN THE STATE. 27

28(2)A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION29SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

30 **8–1103.**

31(A)THESTATEMEDICALDIRECTORFORCHILDRENIN32OUT-OF-HOME PLACEMENT SHALL APPOINT REGIONAL MEDICAL DIRECTORS FOR33CHILDREN IN OUT-OF-HOME PLACEMENT.

34 (B) A REGIONAL MEDICAL DIRECTOR SHALL BE:

1 2 **ADVANCED PRACTICE REGISTERED NURSE: AND** 3 (2) 4 5 6 OR NEGLECT. (C) THERE SHALL BE AT LEAST ONE REGIONAL MEDICAL DIRECTOR FOR THE FOLLOWING REGIONS: (1) **BALTIMORE CITY:** Howard counties); (3) SOMERSET, TALBOT, WICOMICO, AND WORCESTER COUNTIES); **MONTGOMERY COUNTY:** (4) (5) (6) **PRINCE GEORGE'S COUNTY:** (7) COUNTIES); AND (8) COUNTIES). (D) A REGIONAL MEDICAL DIRECTOR SHALL: REVIEW MEDICAL RECORDS AND OTHER DATA CONCERNING (1) CHILDREN IN OUT-OF-HOME PLACEMENT IN THE REGION AND COMMUNICATE WITH LOCAL HEALTH CARE PROVIDERS TO: EVALUATE THE NEED FOR ASSESSMENTS, SCREENINGS, (]) 26 EVALUATIONS, TESTS, AND EXAMINATIONS; AND

27(III) ENSURE THAT REPORTS OF ANY ASSESSMENTS, 28 SCREENINGS. EVALUATIONS. TESTS. OR EXAMINATIONS ARE DISTRIBUTED TO 29CAREGIVERS, PARENTS, GUARDIANS, ATTORNEYS, COURT-APPOINTED SPECIAL

6

A PHYSICIAN LICENSED TO PRACTICE IN THE STATE OR AN (1)

EXPERIENCED IN PROVIDING MEDICAL CARE TO CHILDREN AND KNOWLEDGEABLE ABOUT THE UNIQUE HEALTH NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT AND CHILDREN WHO MAY BE VICTIMS OF CHILD ABUSE

7 8

9

10 (2) CENTRAL REGION (ANNE ARUNDEL, CARROLL, FREDERICK, AND 11

- EAST REGION (CAROLINE, DORCHESTER, KENT, QUEEN ANNE'S, 12 13
- 14
- **NORTH REGION (BALTIMORE, CECIL, AND HARFORD COUNTIES);** 15
- 16
- SOUTH REGION (CALVERT, CHARLES, AND ST. MARY'S 1718

19 WEST REGION (ALLEGANY, GARRETT, AND WASHINGTON 20

21

222324

25

1	ADVOCATES, JUVENILE COURTS, AND OTHER PARTIES AS REQUIRED OR
2	APPROPRIATE;
Ō	
3	(2) ENSURE THAT A LOCAL DEPARTMENT MAINTAINS CURRENT AND
4	COMPLETE HEALTH RECORDS FOR ALL CHILDREN IN OUT-OF-HOME PLACEMENT,
5 6	INCLUDING CURRENT AND COMPLETE HEALTH PASSPORTS, AND THAT RECORDS ARE PROVIDED EXPEDIENTLY TO A CHILD'S CAREGIVER;
6	ARE TROVIDED EATEDIENTET TO A UNIED S UAREGIVER;
7	(3) ENSURE THAT COMPREHENSIVE, CURRENT HEALTH PLANS ARE
8	MAINTAINED IN A CHILD'S CASE RECORDS AND AVAILABLE TO THE CHILD'S
9	CAREGIVERS;
10	(4) ENSURE THAT:
11	(I) HEALTH CARE APPOINTMENTS FOR A CHILD IN
12	OUT-OF-HOME PLACEMENT ARE SCHEDULED EXPEDITIOUSLY;
13	(II) CAREGIVERS ARE QUICKLY NOTIFIED AND REMINDED OF
14	SCHEDULED HEALTH CARE APPOINTMENTS;
1 1	
15	(HI) TRANSPORTATION ARRANGEMENTS FOR HEALTH CARE
16	APPOINTMENTS ARE MADE IN A TIMELY MANNER;
17	(IV) HEALTH CARE APPOINTMENTS WERE KEPT; AND
• •	
18	(V) ANY FOLLOW-UP HEALTH CARE APPOINTMENTS ARE
19	SCHEDULED;
20	(5) USING PRACTICE GUIDELINES DEVELOPED BY CHILD ABUSE
$\frac{1}{21}$	MEDICAL PROVIDERS (MARYLAND CHAMP), THE AMERICAN ACADEMY OF
$\overline{22}$	PEDIATRICS, THE HELFER SOCIETY, AND OTHER EXPERT ORGANIZATIONS, ENSURE
23	BEST-PRACTICE MEDICAL REVIEW AND EVALUATION OF CASES OF SUSPECTED
24	CHILD ABUSE OR NEGLECT; AND
25	(6) ENSURE THAT CHILDREN IN OUT-OF-HOME PLACEMENT RECEIVE
26	APPROPRIATE AND PROPER HEALTH CARE, INCLUDING:
~-	
27	(I) LOCATING A MEDICAL HOME FOR EACH CHILD TO PROVIDE
28	CONSISTENT AND APPROPRIATE HEALTH CARE SERVICES;
29	(II) ENSURING THAT A CHILD IN OUT-OF-HOME PLACEMENT
2 <i>3</i> 30	RECEIVES APPROPRIATE MENTAL HEALTH TREATMENT INCLUDING ENSURING THAT
31	UNNECESSARY PSYCHOTROPIC MEDICATIONS ARE NOT PRESCRIBED OR
32	ADMINISTERED;

7

	8 HOUSE BILL 1582
1	(III) IDENTIFYING APPROPRIATE SPECIALISTS WHEN NEEDED;
1	
2	(IV) ADDRESSING HEALTH EMERGENCIES;
3	(V) PROVIDING ADVICE REGARDING CONSENT FOR MEDICAL
4	TREATMENT TO A LOCAL DEPARTMENT;
5	(VI) ENSURING THAT ALL CHILDREN HAVE CURRENT
6	ELIGIBILITY FOR AND ACCESS TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM
7	AND OTHER PUBLIC BENEFITS AND SERVICES, SUCH AS DISABILITY CARE AND
8	SUPPORT;
9	(VII) ENSURING THAT ALL AGE-APPROPRIATE PERIODIC
10	ASSESSMENTS, SCREENINGS, EVALUATIONS, TESTS, AND EXAMINATIONS ARE
11	CONDUCTED AT THE APPROPRIATE TIME AS RECOMMENDED OR REQUIRED;
12	(viii) ensuring that all children under the age of 4
13	YEARS HAVE PROMPT ASSESSMENTS FOR LEARNING, LANGUAGE, MOTOR, AND
14	OTHER DEVELOPMENTAL DELAYS OR CONCERNS AND THAT THESE CHILDREN ARE
15	PROMPTLY REFERRED FOR SERVICES AS NEEDED;
16	(IX) ENSURING THAT HEALTH ISSUES ARE DISCUSSED AT
17	FAMILY INVOLVEMENT MEETINGS;
18	(X) ADDRESSING THE SPECIFIC HEALTH CARE NEEDS OF
19	ADOLESCENTS, INCLUDING FAMILY PLANNING, OBSTETRICS AND GYNECOLOGICAL
20	CARE, BIRTH CONTROL, SUBSTANCE ABUSE, PRENATAL CARE, CHILDBIRTH,
21	POSTPARTUM CARE, AND ISSUES OF SEXUAL ORIENTATION AND GENDER IDENTITY;
22	(XI) MONITORING MEDICATION MANAGEMENT;
23	(XII) ASSISTING LOCAL DEPARTMENTS IN FINDING
24	APPROPRIATE, LEAST-RESTRICTIVE, NONINSTITUTIONALIZED CARE, PLACEMENTS,
25	AND SUPPORTIVE SERVICES FOR CHILDREN IN OUT-OF-HOME PLACEMENT;
26	(XIII) MONITORING AND ASSESSING THE PROVISION OF MENTAL
27	HEALTH OR BEHAVIORAL HEALTH SERVICES FOR CHILDREN IN GROUP-CARE
28	PLACEMENTS;
29	(XIV) DIRECTING PLACEMENT AGENCIES AS NECESSARY AND AS
30	REQUIRED BY APPLICABLE LAW OR REGULATIONS TO ADDRESS THE SPECIFIC
31	HEALTH CARE NEEDS OF CHILDREN PLACED IN THEIR CARE; AND

1(XV)INTERVENING WHEN NECESSARY TO ENSURE SOUND2DECISION MAKING BY THE LOCAL DEPARTMENT ON HEALTH ISSUES FOR A CHILD IN3THE CUSTODY OF THE LOCAL DEPARTMENT.

4 (E) A REGIONAL MEDICAL DIRECTOR AND ALL PERSONNEL SUPERVISED 5 BY THE REGIONAL MEDICAL DIRECTOR SHALL HAVE ACCESS TO ALL CONFIDENTIAL 6 INFORMATION AND RECORDS AVAILABLE TO, OR IN THE POSSESSION OF, THE LOCAL 7 DEPARTMENT.

8 8-1104.

THE STATE MEDICAL DIRECTOR FOR CHILDREN IN OUT-OF-HOME 9 (A) PLACEMENT RECEIVING CHILD WELFARE SERVICES AND THE REGIONAL MEDICAL 10 **DIRECTORS FOR CHILDREN IN OUT OF HOME PLACEMENT**, IN CONSULTATION 11 12 WITH THE LOCAL DEPARTMENTS, SHALL DEVELOP Α CENTRALIZED 13**COMPREHENSIVE HEALTH CARE MONITORING PROGRAM THAT WILL ENSURE THE REPLICATION OF CENTRALIZED HEALTH CARE COORDINATION AND MONITORING OF** 1415SERVICES ACROSS REGIONS THE STATE.

16 (B) THE PROGRAM SHALL COMPLY WITH THE STANDARD OF EXCELLENCE 17 FOR HEALTH CARE SERVICES FOR CHILDREN IN OUT-OF-HOME CARE PUBLISHED 18 BY THE CHILD WELFARE LEAGUE OF AMERICA.

19 (C) THE PROGRAM SHALL PROVIDE THE SAME LEVEL OF SERVICES FOR 20 MENTAL HEALTH, BEHAVIORAL HEALTH, DISABILITY-RELATED HEALTH ISSUES, 21 PHYSICAL HEALTH, AND DENTAL HEALTH.

<u>SECTION 2. AND BE IT FURTHER ENACTED</u>, That it is the intent of the General
 <u>Assembly that the Department of Human Services:</u>

(1) establish a centralized data portal for medical data for children
 receiving child welfare services by integrating into the Maryland Total Human Services
 Information Network, also known as MD THINK, health care information from:

27(i)the Chesapeake Regional Information Systems for Our Patients,28also known as CRISP;

- 29 <u>(ii)</u> <u>Immunet; and</u>
- 30 <u>(iii)</u> <u>Medicaid databases; and</u>
- 31(2)create an electronic health passport for children receiving child welfare32services.

1	SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019,
2	the Department of Human Services, in consultation with the Maryland Department of
3	Health, shall report to the General Assembly, in accordance with § 2-1246 of the State
4	<u>Government Article, on:</u>
5	(1) the number of children receiving child welfare services identified by
6	managed care organizations and provided additional levels of case management;
7	(2) <u>barriers and challenges that prevent children receiving child welfare</u>
8	services from receiving optimal health care services;
9	(3) the benefits and challenges of implementing regional health care
10	monitoring programs;
11	(4) <u>the feasibility of linking a centralized data portal for medical data for</u>
12	children receiving child welfare services with clinical practice-based electronic health
13	records used by federally qualified health centers, medical practices designated as
14	patient–centered medical homes, and primary care medical practices with 10 or more care
15	providers; and
16	(5) any other recommendations to improve the delivery of health care
17	services to children receiving child welfare services.
• •	
18	SECTION <u>2.</u> <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect

19 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.