

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2663

Introduced by Assembly Member ~~Furutani~~ *Dymally*

February 22, 2008

~~An act to amend Section 1506 of the Health and Safety Code, relating to care facilities. An act to add Section 14132.985 to the Welfare and Institutions Code, relating to Medi-Cal.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2663, as amended, ~~Furutani~~ *Dymally*. ~~Foster family agencies. Medi-Cal: clinical trials: stem cell investigations.~~

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. Under existing law, routine health care costs related to the treatment of a beneficiary who is diagnosed with cancer and accepted in a clinical trial are covered under the Medi-Cal program, if certain requirements are met.

This bill would enact similar provisions for the coverage under the Medi-Cal program of routine health care costs for a beneficiary who is diagnosed with any condition that is the subject of a stem cell investigation that seeks to find a potential therapeutic benefit or cure for that condition, and who is accepted in a clinical trial, as provided.

~~Existing law provides for the licensure of community care facilities, including, among others, foster family homes, through the State Department of Social Services. Under existing law, foster family agencies certify foster family homes and find homes or other placements~~

for children. Existing law specifies how foster family agencies are required to carry out these functions:

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 SECTION 1. Section 14132.985 is added to the Welfare and
2 Institutions Code, to read:

3 14132.985. (a) For a beneficiary who is diagnosed with any
4 condition that is the subject of a stem cell investigation that seeks
5 to find a potential therapeutic benefit or cure for that condition,
6 and who is accepted into a phase I, phase II, phase III, or phase
7 IV clinical trial for that condition, the Medi-Cal program shall
8 provide coverage for all routine patient care costs related to the
9 clinical trial if the beneficiary's treating physician, who is
10 providing covered health care services to the beneficiary under
11 the Medi-Cal program, recommends participation in the clinical
12 trial after determining that participation in the clinical trial has
13 a meaningful potential to benefit the beneficiary.

14 (b) For purposes of this section:

15 (1) "Routine patient care costs" means the costs associated
16 with the provision of health care services, including drugs, items,
17 devices, and services that would otherwise be covered under the
18 Medi-Cal program if those drugs, items, devices, and services
19 were not provided in connection with an approved clinical trial
20 program, including all of the following:

21 (A) Health care services typically provided absent a clinical
22 trial.

23 (B) Health care services required solely for the provision of the
24 investigational drug, item, device, or service.

25 (C) Health care services required for the clinically appropriate
26 monitoring of the investigational item or service.

27 (D) Health care services provided for the prevention of
28 complications arising from the provision of the investigational
29 drug, item, device, or service.

30 (E) Health care services needed for the reasonable and
31 necessary care arising from the provision of the investigational

1 drug, item, device, or service, including the diagnosis or treatment
2 of the complications.

3 (2) “Routine patient care costs” does not include the costs
4 associated with the provision of any of the following:

5 (A) Drugs or devices that have not been approved by the federal
6 Food and Drug Administration and that are associated with the
7 clinical trial.

8 (B) Services other than health care services, such as travel,
9 housing, companion expenses, and other nonclinical expenses,
10 that a beneficiary may require as a result of the treatment being
11 provided for purposes of the clinical trial, except as required under
12 the Medicaid Program (42 U.S.C. Sec. 1396a et seq.).

13 (C) Any item or service that is provided solely to satisfy data
14 collection and analysis needs and that is not used in the clinical
15 management of the patient.

16 (D) Health care services that, except for the fact that they are
17 being provided in a clinical trial, are otherwise specifically
18 excluded from coverage by the Medi-Cal program.

19 (E) Health care services customarily provided by the research
20 sponsors free of charge for any beneficiary in the trial.

21 (c) The treatment shall be provided in a clinical trial that either:

22 (1) Involves a drug that is exempt under federal regulations
23 from a new drug application.

24 (2) Is approved by one of the following:

25 (A) One of the National Institutes of Health.

26 (B) The federal Food and Drug Administration, in the form of
27 an investigational new drug application.

28 (C) The United States Department of Defense.

29 (D) The United States Veterans’ Administration.

30 (d) This section shall apply only to Medi-Cal beneficiaries who
31 are recommended by their treating physician to participate in a
32 clinical trial in California, unless the protocol for the clinical trial
33 is not provided for at a California hospital or by a California
34 physician.

35 (e) The provision of services when required by this section shall
36 not, in itself, give rise to liability on the part of the Medi-Cal
37 program.

38 ~~SECTION 1. Section 1506 of the Health and Safety Code is~~
39 ~~amended to read:~~

1 1506.—(a) (1) Any holder of a valid license issued by the
2 department that authorizes the licensee to engage in any foster
3 family agency functions, may use only a certified family home
4 that has been certified by that agency or a licensed foster family
5 home approved for this use by the licensing county pursuant to
6 Section 1506.5.

7 (2) Any home selected and certified for the reception and care
8 of children by that licensee shall not, during the time it is certified
9 and used only by that agency for these placements or care, be
10 subject to Section 1508. A certified family home may not be
11 concurrently licensed as a foster family home or as any other
12 licensed residential facility.

13 (3) A child with a developmental disability who is placed in a
14 certified family home by a foster family agency that is operating
15 under agreement with the regional center responsible for that child
16 may remain in the certified family home after the age of 18 years.
17 The determination regarding whether and how long he or she may
18 remain as a resident after the age of 18 years shall be made through
19 the agreement of all parties involved, including the resident, the
20 foster parent, the foster family agency social worker, the resident's
21 regional center case manager, and the resident's parent, legal
22 guardian, or conservator, as appropriate. This determination shall
23 include a needs and service plan that contains an assessment of
24 the child's needs to ensure continued compatibility with the other
25 children in placement. The needs and service plan shall be
26 completed no more than six months prior to the child's eighteenth
27 birthday. The assessment shall be documented and maintained in
28 the child's file with the foster family agency.

29 (b) (1) A foster family agency shall certify to the department
30 that the home has met the department's licensing standards. A
31 foster family agency may require a family home to meet additional
32 standards or be compatible with its treatment approach.

33 (2) The foster family agency shall issue a certificate of approval
34 to the certified family home upon its determination that the home
35 has met the standards established by the department and before
36 the placement of any child in the home. The certificate shall be
37 valid for a period not to exceed one year. The annual recertification
38 shall require a certified family home to complete at least 12 hours
39 of structured applicable training or continuing education. At least
40 one hour of training during the first six months following initial

1 ~~certification shall be dedicated to meeting the requirements of~~
2 ~~paragraph (1) of subdivision (b) of Section 11174.1 of the Penal~~
3 ~~Code.~~

4 ~~(3) If the agency determines that the home no longer meets the~~
5 ~~standards, it shall notify the department and the local placing~~
6 ~~agency.~~

7 ~~(e) The department shall develop licensing regulations~~
8 ~~differentiating between foster family agencies that provide~~
9 ~~treatment of children in foster families and those that provide~~
10 ~~nontreatment services.~~

11 ~~(d) As used in this chapter, “certified family home” means a~~
12 ~~family residence certified by a licensed foster family agency and~~
13 ~~issued a certificate of approval by that agency as meeting licensing~~
14 ~~standards, and used only by that foster family agency for~~
15 ~~placements.~~

16 ~~(e) (1) Requirements for social work personnel for a foster~~
17 ~~family agency shall be a master’s degree from an accredited or~~
18 ~~state approved graduate school in social work or social welfare,~~
19 ~~or equivalent education and experience, as determined by the state~~
20 ~~department.~~

21 ~~(2) Persons who possess a master’s degree from an accredited~~
22 ~~or state approved graduate school in any of the following areas,~~
23 ~~or equivalent education and experience, as determined by the state~~
24 ~~department, shall be considered to be qualified to perform social~~
25 ~~work activities in a foster family agency:~~

26 ~~(A) Marriage, family, and child counseling.~~

27 ~~(B) Child psychology.~~

28 ~~(C) Child development.~~

29 ~~(D) Counseling psychology.~~

30 ~~(E) Social psychology.~~

31 ~~(F) Clinical psychology.~~

32 ~~(G) Educational psychology, consistent with the scope of~~
33 ~~practice as described in Section 4986.10 of the Business and~~
34 ~~Professions Code.~~

35 ~~(H) Education, with emphasis on counseling.~~

36 ~~(f) (1) In addition to the degree specifications in subdivision~~
37 ~~(e), all of the following coursework and field practice or~~
38 ~~experience, as defined in departmental regulations, shall be required~~
39 ~~of all new hires for the position of social work personnel effective~~
40 ~~January 1, 1995:~~

1 ~~(A) At least three semester units of field practice at the master's~~
2 ~~level or six months' full-time equivalent experience in a public or~~
3 ~~private social service agency setting.~~

4 ~~(B) At least nine semester units of coursework related to human~~
5 ~~development or human behavior, or, within the first year of~~
6 ~~employment, experience working with children and families as a~~
7 ~~major responsibility of the position under the supervision of a~~
8 ~~supervising social worker.~~

9 ~~(C) At least three semester units in working with minority~~
10 ~~populations or six months of experience in working with minority~~
11 ~~populations or training in cultural competency and working with~~
12 ~~minority populations within the first six months of employment~~
13 ~~as a condition of employment.~~

14 ~~(D) At least three semester units in child welfare or at least six~~
15 ~~months of experience in a public or private child welfare social~~
16 ~~services setting for a nonsupervisory social worker. A supervising~~
17 ~~social worker shall have two years' experience in a public or private~~
18 ~~child welfare social services setting.~~

19 ~~(2) (A) Persons who do not meet the requirements specified in~~
20 ~~subdivision (e) or (f) may apply for an exception as provided for~~
21 ~~in subdivisions (g) and (h).~~

22 ~~(B) Exceptions granted by the department prior to January 1,~~
23 ~~1995, shall remain in effect.~~

24 ~~(3) (A) Persons who are hired as social work personnel on or~~
25 ~~after January 1, 1995, who do not meet the requirements listed in~~
26 ~~this subdivision shall be required to successfully meet those~~
27 ~~requirements in order to be employed as social work personnel in~~
28 ~~a foster family agency.~~

29 ~~(B) Employees who were hired prior to January 1, 1995, shall~~
30 ~~not be required to meet the requirements of this subdivision in~~
31 ~~order to remain employed as social work personnel in a foster~~
32 ~~family agency.~~

33 ~~(4) Coursework and field practice or experience completed to~~
34 ~~fulfill the degree requirements of subdivision (e) may be used to~~
35 ~~satisfy the requirements of this subdivision.~~

36 ~~(g) Individuals seeking an exception to the requirements of~~
37 ~~subdivision (e) or (f) based on completion of equivalent education~~
38 ~~and experience shall apply to the department by the process~~
39 ~~established by the department.~~

1 ~~(h) The State Department of Social Services shall be required~~
2 ~~to complete the process for the exception to minimum education~~
3 ~~and experience requirements described in subdivisions (e) and (f)~~
4 ~~within 30 days of receiving the exception application of social~~
5 ~~work personnel or supervising social worker qualifications from~~
6 ~~the foster family agency.~~

7 ~~(i) The department shall review the feasibility of instituting a~~
8 ~~licensure category to cover foster homes that are established~~
9 ~~specifically to care for and supervise adults with developmental~~
10 ~~disabilities, as defined in subdivision (a) of Section 4512 of the~~
11 ~~Welfare and Institutions Code, to prevent the institutionalization~~
12 ~~of those individuals.~~

13 ~~(j) For purposes of this section, “social work personnel” means~~
14 ~~supervising social workers as well as nonsupervisory social~~
15 ~~workers.~~