

REFERENCE TITLE: child welfare; placement; medications

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2454

Introduced by
Representative Kern

AN ACT

AMENDING SECTION 8-512, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-512.02; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-512, Arizona Revised Statutes, is amended to
3 read:

4 8-512. Comprehensive medical and dental care; guidelines

5 A. The department shall provide comprehensive medical and dental
6 care, as prescribed by rules of the department, for each child who is:

- 7 1. In a voluntary placement pursuant to section 8-806.
8 2. In the custody of the department in an out-of-home placement.
9 3. In the custody of a probation department and placed in foster
10 care. The department shall not provide this care if the cost exceeds
11 funds currently appropriated and available for that purpose.

12 B. On or before October 1, 2015, the department of child safety, in
13 collaboration with the department of health services and the Arizona
14 health care cost containment system administration, shall:

15 1. Determine the most efficient and effective way to provide
16 comprehensive medical, dental and behavioral health services, including
17 behavioral health diagnostic, evaluation and treatment services for
18 children who are provided care pursuant to subsection A of this section.

19 2. Determine the number of disruptions of placements in foster care
20 by age of child due to behavioral health management issues and the extent
21 each child is receiving behavioral health services.

22 3. Determine the number of adopted children who have entered foster
23 care due to the adoptive parents' inability to receive behavioral health
24 services to adequately meet the needs of the child and parents.

25 4. Submit a report of its recommendations for providing services
26 pursuant to this subsection to the governor, the speaker of the house of
27 representatives and the president of the senate and shall provide a copy
28 of its report to the secretary of state. The collaborative determination
29 shall consider an administratively integrated system.

30 C. EXCEPT AS PROVIDED IN SUBSECTION L OF THIS SECTION, the
31 comprehensive medical and dental care consists of those benefits provided
32 by the Arizona health care cost containment system benefit as prescribed
33 in title 36, chapter 29, article 1 and as set forth in the approved
34 medicaid state plan.

35 D. Any provider that has a provider agreement registration may be
36 employed through the comprehensive medical and dental program by the
37 foster parent, relative, certified adoptive parent, agency or department
38 having responsibility for the care of the child.

39 E. The department shall reimburse a provider according to the rates
40 established by the Arizona health care cost containment system
41 administration pursuant to title 36, chapter 29, article 1.

42 F. The department shall use the Arizona health care cost
43 containment system administration rates as identified in subsection E of
44 this section for any child eligible for services under this section.

1 G. The department shall require providers to submit claims for
2 medical and dental services pursuant to section 36-2903.01.

3 H. The department shall require that the provider pursue other
4 third party payors before submitting a claim to the department. Payment
5 received by a provider from the department is considered payment by the
6 department of the department's liability for the bill. A provider may
7 collect any unpaid portion of its bill from other third party payors or in
8 situations covered by title 33, chapter 7, article 3.

9 I. The department shall not pay claims for services pursuant to
10 this section that are submitted more than one hundred eighty days after
11 the date of the service for which the payment is claimed.

12 J. The department may provide for payment through an insurance
13 plan, hospital service plan, medical service plan, or any other health
14 service plan authorized to do business in this state, fiscal intermediary
15 or a combination of such plans or methods. The state shall not be liable
16 for and the department shall not pay to any plan or intermediary any
17 portion of the cost of comprehensive medical and dental care in excess of
18 funds appropriated and available for such purpose at the time the plan or
19 intermediary incurs the expense for such care.

20 K. The total amount of state monies that may be spent in any fiscal
21 year by the department for comprehensive medical and dental care shall not
22 exceed the amount appropriated or authorized by section 35-173 for that
23 purpose. This section shall not be construed to impose a duty on an
24 officer, agent or employee of this state to discharge a responsibility or
25 to create any right in a person or group if the discharge or right would
26 require an expenditure of state monies in excess of the expenditure
27 authorized by legislative appropriation for that specific purpose.

28 L. ANY DRUG PRESCRIPTION SERVICE PROVIDED PURSUANT TO THIS SECTION
29 SHALL REQUIRE TO THE EXTENT ALLOWED BY FEDERAL LAW THE APPROVAL OF THE
30 DEPARTMENT BEFORE THE PRESCRIPTION OF AN ANTIPSYCHOTIC OR NEUROLEPTIC
31 MEDICATION TO A CHILD WHO IS UNDER FIVE YEARS OF AGE. IN DETERMINING
32 WHETHER TO APPROVE THE PRESCRIPTION, THE DEPARTMENT SHALL CONSIDER ALL OF
33 THE FOLLOWING:

- 34 1. THE CHILD'S DIAGNOSIS.
- 35 2. WHETHER THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS
36 APPROVED THE USE OF THE MEDICATION FOR A PERSON OF THE CHILD'S AGE.
- 37 3. WHETHER THE CHILD HAS SUCCESSFULLY TAKEN THE MEDICATION IN THE
38 PAST.

- 39 4. ANY OTHER RELEVANT FACTOR PRESCRIBED BY THE DEPARTMENT BY RULE.

40 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
41 amended by adding section 8-512.02, to read:

42 8-512.02. Psychotropic medications; report; definition

43 A. ON OR BEFORE AUGUST 31 OF EVERY ODD NUMBERED YEAR, THE
44 DEPARTMENT OF HEALTH SERVICES, THE DEPARTMENT OF CHILD SAFETY AND THE
45 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION SHALL PREPARE A

1 REPORT THAT COMPARES THE PRESCRIPTION RATE OF PSYCHOTROPIC MEDICATIONS
2 PRESCRIBED TO FOSTER CHILDREN WHO RECEIVE SERVICES FROM THE ARIZONA HEALTH
3 CARE COST CONTAINMENT SYSTEM WITH THE PRESCRIPTION RATE OF PSYCHOTROPIC
4 MEDICATIONS PRESCRIBED TO ENROLLED NONFOSTER CHILDREN WHO RECEIVE THESE
5 SERVICES.

6 B. THE REPORT SHALL INCLUDE THE FOLLOWING:

7 1. THE NUMBER OF CHILDREN RECEIVING PSYCHOTROPIC MEDICATIONS
8 DELINEATED BY:

9 (a) AGE GROUP.

10 (b) TYPE OF PSYCHOTROPIC MEDICATION.

11 (c) NUMBER OF PRESCRIPTIONS.

12 (d) NUMBER OF CHILDREN PRESCRIBED ONE, TWO, THREE, FOUR AND FIVE OR
13 MORE PSYCHOTROPIC DRUGS.

14 2. THE NUMBER OF REGISTERED NURSE PRACTITIONERS, PHYSICIAN
15 ASSISTANTS, PSYCHIATRISTS AND PHYSICIANS PRESCRIBING PSYCHOTROPIC
16 MEDICATIONS TO FOSTER CHILDREN, INCLUDING THOSE SUBMITTING TO MEDICAID FOR
17 TREATMENT REIMBURSEMENT.

18 3. THE REGISTERED NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS,
19 PSYCHIATRISTS AND PHYSICIANS WHO HAVE THE HIGHEST NUMBER OF PRESCRIPTIONS
20 TO CHILDREN UNDER STATE CARE OF THE FOLLOWING MEDICATIONS:

21 (a) ANTIPSYCHOTICS.

22 (b) ANTIDEPRESSANTS.

23 (c) PSYCHOSTIMULANTS.

24 (d) MOOD STABILIZERS.

25 (e) ANTIANXIETY DRUGS.

26 4. A SUMMARY OF COMPLIANCE WITH INFORMED CONSENT REQUIREMENTS FOR
27 ENROLLED CHILDREN IN FOSTER CARE.

28 5. THE ANNUAL COSTS OF PSYCHOTROPIC MEDICATIONS TO CHILDREN UNDER
29 STATE CARE.

30 C. THE REPORT SHALL BE SUBMITTED TO THE CHAIRPERSONS OF THE HOUSE
31 OF REPRESENTATIVES HEALTH COMMITTEE AND THE SENATE HEALTH AND HUMAN
32 SERVICES COMMITTEE, OR THE CHAIRPERSONS OF ANY SUCCESSOR COMMITTEES, AND A
33 COPY OF THE REPORT SHALL BE PROVIDED TO THE SECRETARY OF STATE.

34 D. FOR THE PURPOSES OF THIS SECTION, "PSYCHOTROPIC MEDICATION"
35 MEANS A MEDICATION THAT IS PRESCRIBED FOR THE TREATMENT OF SYMPTOMS OF
36 PSYCHOSIS OR ANOTHER MENTAL, EMOTIONAL OR BEHAVIORAL DISORDER AND THAT IS
37 USED TO EXERCISE AN EFFECT ON THE CENTRAL NERVOUS SYSTEM TO INFLUENCE AND
38 MODIFY BEHAVIOR, COGNITION OR AFFECTIVE STATE. PSYCHOTROPIC MEDICATION
39 INCLUDES ALL OF THE FOLLOWING WHEN USED AS DESCRIBED IN THIS SUBSECTION:

40 1. PSYCHOMOTOR STIMULANTS.

41 2. ANTIDEPRESSANTS.

42 3. ANTIPSYCHOTICS OR NEUROLEPTICS.

43 4. AGENTS FOR CONTROL OF MANIA OR DEPRESSION.

44 5. ANTIANXIETY AGENTS.

45 6. SEDATIVES, HYPNOTICS OR OTHER SLEEP-PROMOTING MEDICATIONS.

1 Sec. 3. Necessary waiver or authorization; delay in
2 implementation

3 If a waiver or authorization from a federal agency is necessary to
4 implement section 8-512, Arizona Revised Statutes, as amended by this act,
5 the department of child safety shall request the waiver or authorization
6 and may delay implementation of section 8-512, Arizona Revised Statutes,
7 as amended by this act until the waiver or authorization is granted.