

AMENDED IN SENATE AUGUST 23, 2005

AMENDED IN SENATE JUNE 30, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1179

Introduced by Assembly Member Yee

February 22, 2005

An act to add Section 1507.25 to the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1179, as amended, Yee. Community care facilities: foster children: injections.

Existing law regulates the licensure of community care facilities by the State Department of Social Services and authorizes a community care facility to provide certain incidental medical services.

Existing law authorizes facility staff who are not licensed health care professionals to provide incidental medical services in a community care facility for adults if, among other things, they are trained by a licensed health care professional and supervised according to an individualized health care plan for clients which is prepared by a health care team and reassessed at least every 12 months or as more frequently determined by the client's physician or nurse practitioner.

Existing law separately provides for the provision of specialized in-home health care services for foster children with designated medical conditions.

This bill would ~~authorize~~ *require the department to permit* designated foster care providers to administer *emergency medical assistance and* injections for diabetes and anaphylactic shock, or *subcutaneous injections of* other prescribed medication, to a foster child, if the provider is trained to administer injections by a licensed health care professional. The bill would require the licensed health care professional to periodically review, correct, or update this training as the health care professional deems necessary and appropriate.

This bill would prohibit a child’s need to receive injections pursuant to the bill from being the sole basis for determining that the child has a medical condition requiring specialized in-home health care, notwithstanding existing law.

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. The Legislature finds and declares all of the
2 following:

3 ~~(a) The state has a duty to care for and protect the children the~~
4 ~~state places into foster care, and as a matter of public policy, the~~
5 ~~state assumes an obligation to ensure the health and safety of~~
6 ~~children in foster care.~~

7 ~~(b)~~

8 (a) Anaphylaxis is a severe allergic reaction that involves the
9 entire body. It can result in breathing difficulty, loss of
10 consciousness, and even death if not immediately treated.
11 Anaphylaxis is a medical emergency that requires immediate
12 medical treatment. Severe anaphylactic shock can be reversed by
13 use of an epinephrine autoinjector that delivers a single,
14 pre-measured dose of epinephrine.

15 ~~(c)~~

16 (b) Severe diabetic hypoglycemia is a life-threatening
17 condition that can quickly lead to loss of consciousness, coma,
18 and death. Severe diabetic hypoglycemia is a medical emergency
19 that requires immediate medical treatment. Severe diabetic
20 hypoglycemia can be reversed by an injection of glucagon.

21 ~~(d)~~

1 (c) In the absence of trained medical personnel, relative
2 caregivers or foster parents are often the only individuals in a
3 position to provide emergency medical assistance to a foster
4 child suffering anaphylaxis or severe diabetic hypoglycemia.

5 (e)

6 (d) It is the intent of the Legislature in enacting this act to
7 authorize properly trained foster parents and relative caregivers
8 to provide emergency medical services to foster children
9 suffering from anaphylaxis or severe diabetic hypoglycemia, as
10 well as other prescribed medication, under appropriate
11 circumstances.

12 *SEC. 2. Section 1507.25 is added to the Health and Safety*
13 *Code, to read:*

14 *1507.25. (a) (1) Notwithstanding any other provision of law,*
15 *the department shall permit emergency medical assistance and*
16 *injections for diabetes and anaphylactic shock, and subcutaneous*
17 *injections of other medications as prescribed by the child's*
18 *physician, to be administered to a foster child in placement, by a*
19 *person described in paragraph (2) who is not a licensed health*
20 *care professional, but who is trained to administer injections by*
21 *a licensed health care professional practicing within his or her*
22 *scope of practice.*

23 *(2) The following individuals shall be authorized to administer*
24 *emergency medical assistance and injections in accordance with*
25 *this section:*

26 *(A) A relative caregiver.*

27 *(B) A nonrelative extended family member.*

28 *(C) A foster family home parent.*

29 *(D) A small family home parent.*

30 *(E) A certified parent of a foster family agency.*

31 *(F) A substitute caregiver of a foster family home or a*
32 *certified family home.*

33 *(G) A direct care staff member of a small family home or a*
34 *group home.*

35 *(3) The licensed health care professional shall periodically*
36 *review, correct, or update training provided pursuant to this*
37 *section as he or she deems necessary and appropriate.*

38 *(b) For purposes of this section, administration of an insulin*
39 *injection shall include all necessary supportive activities related*

1 to the preparation and administration of injection, including
2 glucose testing and monitoring.

3 (c) Notwithstanding Part 5.5 (commencing with Section
4 17700) of Division 9 of, and particularly subdivision (g) of
5 Section 17710 of, the Welfare and Institutions Code, a child's
6 need to receive injections pursuant to this section shall not be the
7 sole basis for determining that the child has a medical condition
8 requiring specialized in-home health care.

9 SEC. 2. ~~Section 1507.25 is added to the Health and Safety~~
10 ~~Code, to read:~~

11 ~~1507.25. (a) Notwithstanding any other provision of law, a~~
12 ~~relative caregiver, nonrelative extended family member, foster~~
13 ~~family home parent, small family home parent, certified parent of~~
14 ~~a foster family agency, or group home direct care staff member~~
15 ~~who is not a licensed health care professional, but who is trained~~
16 ~~to administer injections by a licensed health care professional,~~
17 ~~may administer glucagon to, and shall seek emergency medical~~
18 ~~assistance for, a child in his or her care suffering from severe~~
19 ~~diabetic hypoglycemia or utilize epinephrine autoinjectors to~~
20 ~~provide emergency medical aid to a child in his or her care who~~
21 ~~is suffering from an anaphylactic reaction.~~

22 ~~(b) A relative caregiver, nonrelative extended family member,~~
23 ~~foster family home parent, small family home parent, certified~~
24 ~~parent of a foster family agency, or group home direct care staff~~
25 ~~member who is not a licensed health care professional, but who~~
26 ~~is trained to administer injections by a licensed health care~~
27 ~~professional, and who has a child in his or her care diagnosed~~
28 ~~with diabetes, may inject the child with insulin, as prescribed by~~
29 ~~the child's physician, and may provide the necessary supportive~~
30 ~~activities related to the preparation and administration of the~~
31 ~~insulin injection, including glucose testing and monitoring.~~

32 ~~(c) A relative caregiver, nonrelative extended family member,~~
33 ~~foster family home parent, small family home parent, certified~~
34 ~~parent of a foster family agency, or group home direct care staff~~
35 ~~member who is not a licensed health care professional, but who~~
36 ~~is trained by a licensed health care professional and who has a~~
37 ~~child in his or her care, may inject a child subcutaneously with~~
38 ~~medication as authorized and prescribed by the child's physician.~~

39 ~~(d) A licensed health care professional shall periodically~~
40 ~~review, correct, or update the training required by subdivision~~

- 1 ~~(a), (b), or (c) with the foster child's caregiver as the licensed~~
- 2 ~~health care professional deems necessary and appropriate.~~

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