

SENATE BILL REPORT

SHB 3081

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 26, 2004

Title: An act relating to medical and dental care and testing for children in the care of the department of social and health services.

Brief Description: Revising provisions relating to medical testing for children in the care of the department of social and health services.

Sponsors: House Committee on Children & Family Services (originally sponsored by Representative Rockefeller).

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/25/04, 2/26/04 [DPA].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Lilah Amos (786-7429)

Background: The Department of Social and Health Services (DSHS) oversees out-of-home care for children in the state who have been removed from their homes, which includes recruiting and licensing foster homes. DSHS is required to share information about a child in out-of-home placement with the care provider and to formulate a case plan. DSHS is also required to conduct training for foster parents.

Disclosure of information regarding the identity of any person who has requested a test for the presence of an HIV antibody, or the results of an HIV antibody test or sexually transmitted disease test, is prohibited unless specifically authorized by statute. An exception allows disclosure of such information to DSHS regarding a child under 14 years of age who is in DSHS custody and to a person providing residential care for that child when DSHS determines that disclosure is necessary for the provision of child care services.

Summary of Amended Bill: The Department of Health is directed to develop recommendations concerning evidence-based practices for testing blood-borne pathogens of children under one year of age who have been placed in out-of-home care, and to report those recommendations to the Legislature by January 1, 2005. The recommendations must identify the specific pathogens for which testing is recommended. The Department of Health must also identify by rule the term "blood-borne pathogen."

DSHS must inform out-of-home care providers that a child placed with that provider is infected with a blood-borne pathogen and must identify the specific pathogen, if such information is known to DSHS. DSHS is required to train out-of-home care providers about

prevention, transmission, infection control, treatment, testing, and confidentiality of blood-borne pathogens. Disclosure of HIV information must be in accordance with existing law.

Amended Bill Compared to Original Bill: The Department of Health must identify the specific pathogens for which testing of children is recommended, and to identify by rule the term "blood-borne pathogen." The Department of Social and Health Services must identify the specific blood-borne pathogen for which any child placed with an out-of-home care provider was tested.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary for the health and safety of foster parents and children residing with them. Information about the blood-borne pathogens with which their foster children might be infected will enable foster parents to take proper precautions to safeguard themselves and other children and to provide proper care for the infected children. In some instances DSHS has delayed provision of this information for months. Foster parent organizations support this legislation.

Testimony Against: None.

Testified: PRO: Representative Phil Rockefeller, prime sponsor; Mary L. Jones, foster parent; Laurie Lippold, Children's Home Society.