



3111 Camino del Rio North, Suite 500
San Diego, CA 92108
P: 619-641-6800
F: 619-641-6801
www.optumhealthsandiego.com

February 5, 2014

Subject: OptumHealth TERM - Change in CWS Process of Authorizing Treatment or Release of Protected Health Information

Dear Provider:

Child Welfare Services (CWS) has updated the process to authorize treatment (including behavioral health treatment) or releasing protected health information (such as Treatment Plans, Treatment Plan Updates) for children/youth involved with CWS.

In the past, Protective Services Workers (PSW) were to send Therapists and Evaluators copies of the Consent of Treatment (form 04-24) and the Authorization to Use of Disclose Protected Health Information (form 04-24A). That process is no longer in place. See the first attachment above (CWS Special Notice (#18-13) for the CWS notice regarding the new process.

As of November 18th, 2013 an "Order Authorizing Health Assessments, Routine Health Care, And Release Of Information" (a blanket court order) is in place and supersedes the 04-24 forms. TERM providers will no longer receive 04-24 forms from PSWs. The new blanket court order allows for counseling and treatment for a child in the custody of CWS, a Health and Human Services Agency. This means this blanket order pertains to a child taken into custody who is pending dependency jurisdiction, and throughout a Juvenile Court case as long as CWS has custody/jurisdiction. See the second attachment above for the Court Order regarding assessments and routine care.

If you have any questions regarding the orders, please contact Leah vanLingen, CWS Policy Analyst, at 858-616-5942 or send email to: Leah.vanlingen@sdcounty.ca.gov , or contact your legal counsel.

Judy A. Duncan, MFT / OptumHealth
Manager, Provider Services, San Diego Public Sector

3111 Camino Del Rio North, Suite 500
San Diego, CA 92108

T 1 619-641-6832
F 1 877-309-4862
judy.duncan@optum.com
www.optumhealthsandeigo.com



NICK MACCHIONE, FACHE
DIRECTOR
HEALTH AND HUMAN SERVICES AGENCY

County of San Diego

CHILD WELFARE PROGRAMS
858-694-5790

POLICY AND PROGRAM SUPPORT
858-514-6603

DEBRA ZANDERS-WILLIS
DIRECTOR
CHILD WELFARE SERVICES

HEALTH AND HUMAN SERVICES AGENCY

POLINSKY CHILDREN'S CENTER
858-514-4718

CHILD WELFARE SERVICES
8965 Balboa Avenue San Diego CA 92123
(858) 616-5811 FAX (858) 616-5908

ADOLESCENT SERVICES
858-616-5816

November 18, 2013

CHILD WELFARE SERVICES SPECIAL NOTICE # 18-13

TO: All Social Work Staff
Child Welfare Services

FROM: Debra Zanders-Willis, Director
Child Welfare Services

HEALTH ASSESSMENT / RELEASE OF INFORMATION ORDER AND USE OF 04-24 FORMS

Purpose This Special Notice provides staff with information regarding the updated "Order Authorizing Health Assessments, Routine Health Care, And Release Of Information" and the use of 04-24 (and/or 04-29) forms.

New policy is in italics and effective immediately.

Supervisors will review this Special Notice with staff.

Background Historically, all "Authorization for Medical Care" forms have been signed by either parents or the court:

- Consent for Treatment (04-24)
- Authorization to Use or Disclose Protected Health Information (04-24A)

The law (W&IC sections 305, 306, 324.5, 369, 361.2(e), 5328.04, and Civil Code 52.10 et. seq.) already authorizes CWS to provide routine healthcare/dental care to foster youth without a signed consent form. The law also already provides for information sharing with CWS agencies.

Some service providers have difficulty gathering the necessary forms to serve our children in a timely fashion. The updated "Order Authorizing Health Assessments, Routine Health Care, And Release Of Information" (from here on referenced as "**the order**") will assist with this as the order will suffice for all children in the custody of CWS. See attachment.

continued

Policy

The 04-24 and 04-29 forms will only be used in ER referrals and VS cases. See PG [Medical Treatment/Medical Releases](#).

Once a child is taken into CWS protective custody, the order will be the document that serves to allow for routine healthcare/dental care and information sharing. The order is not made for each child, but is a blanket order that applies to all children in CWS custody. This means a child taken into custody (e.g. at PCC/Way Station home, etc.) pending dependency jurisdiction and throughout the Juvenile Court case (as long as CWS has custody/jurisdiction).

The order applies to all current dependents as well.

There is no need to keep a copy of the order in each child's case file.

When a service provider (including medical/dental and mental health) requests a consent to treat or an authorization to share information, the SW will send a copy of the order to the provider. The order is available under the "Health Services" section in the Resource Guide, click [here](#), "Order – Consent and Authorization."

For families receiving CWS Services, if an Optum / TERM provider requires additional authorization to release a psychological evaluation to CWS a separate order will be used. It is available under the "Mental Health Services" section of the Resource Guide: [Order – Release Psych Evals](#)

In referrals/cases (ER and VS) where the 04-24 or 04-29s are still used, SW will import the signed form into CWS/CMS and give it the title "04-24 - Consent and Authorization" (scanning both the 04-24 and the 04-24A into one document) or "04-29 – Authorization to Disclose Info." SW must scan and import the document(s) within 15 days of obtaining signature. When an ER referral or VS case closes, the authorizations signed by the parent(s) expire.

**Affected
Program
Guide File**

There are numerous PG files impacted by this Special Notice but the following PG files are primarily impacted and will be updated in the future:

- [Medical Treatment/Medical Releases](#)
- [Confidentiality - General](#)

The court forms (04-24C and 04-24AC) will be made obsolete and updated language will be issued on the parent forms (04-24P and 04-24AP). All prior versions of these forms shall be destroyed.

Contact Staff with questions or comments about this Special Notice should contact Leah van Lingen, CWS Policy Analyst, at 616-5942/858 or at Leah.vanlingen@sdcounty.ca.gov

Original signed by Debra Zanders-Willis

DEBRA ZANDERS-WILLIS, Director
Child Welfare Services

DZW/lvl

Attachments: Order Authorizing Health Assessments, Routine Health Care, and Release of Information
 Order Authorizing Optum to Disclose Therapy Treatment Plans and Evaluations

NOV 15 2013

By: S. FRUTOS, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

IN THE MATTER OF:
MEDICAL CARE FOR CHILDREN IN
THE CUSTODY OF HEALTH AND
HUMAN SERVICES AGENCY,
COUNTY OF SAN DIEGO, AND
RELEASE OF INFORMATION
RELATED THERETO

**ORDER AUTHORIZING
HEALTH ASSESSMENTS,
ROUTINE HEALTH CARE AND
RELEASE OF INFORMATION**

Pursuant to Welfare and Institutions Code sections 305, 306, 324.5, 369, 361.2(e), and 5328.04, and Civil Code sections 56.10 *et seq.*, in situations where a child is in the custody of the Health and Human Services Agency ("HHS") of the County of San Diego, THE COURT HEREBY ORDERS:

1. HHS may obtain a comprehensive health assessment as recommended by the American Academy of Pediatrics, including a mental status evaluation, for a child prior to the detention hearing in order to ensure the health, safety and well-being of the child. The assessment may include one or more of the following, as is necessary and appropriate to meet the child's needs:

- a. A medical history which is as complete as possible.
- b. A physical examination by a licensed medical practitioner.
- c. A developmental evaluation.
- d. A mental health status evaluation by a licensed mental health

1 clinician.

2 e. Emergency dental care by a licensed dentist.

3 f. Clinical laboratory tests or x-rays as deemed necessary by the
4 examining physician or dentist for evaluation of the child's health
5 status.


6 2. Before dependency proceedings have been initiated and during the course of
7 those proceedings, HHSA may obtain ongoing routine health care (including
8 immunizations and routine dental care), as recommended by the American Academy of
9 Pediatrics, and mental health evaluations, counseling and treatment for a child in the
10 custody of the HHSA, as is necessary to protect and promote the child's physical and
11 emotional well-being.

12 3. Information concerning any health care provided pursuant to this order may
13 be released to the HHSA, the child's attorney (if any), other health care providers,
14 Regional Centers, or schools if needed for treatment, treatment planning, counseling,
15 and/or educational purposes consistent with promoting the child's physical and emotional
16 well-being, before or after the detention hearing, and throughout the course of the
17 dependency proceedings.

18 This order is not intended to include the release of any confidential privileged
19 information for dependent minors, but does include court ordered psychological
20 evaluations, initial treatment plans (ITPs) and treatment plan updates (TPUs) requested
21 by HHSA.

22 This order supersedes the similar order dated June 13, 2013, and shall expire four
23 (4) years after the date of issuance, unless superseded or rescinded by subsequent order or
24 rule of Court.

25 DATED: 11/15/13

26
27 
28 CAROLYN M. CAIETTI
PRESIDING JUDGE OF THE
SAN DIEGO JUVENILE COURT