

1275

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, ADAMS, DIAZ, DUANE, HASSELL-THOMPSON,
KRUEGER, ONORATO, SCHNEIDERMAN -- read twice and ordered printed, and
when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law and the public health law, in
relation to the medical evaluation of children placed in foster care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The social services law is amended by adding a new section
2 383-d to read as follows:
3 S 383-D. HOME CARE EVALUATIONS FOR FOSTER CARE CHILDREN. 1. UPON THE
4 COMPLETION OF A COMPREHENSIVE MEDICAL EXAMINATION OF THE CHILD, OR UPON
5 A WAIVER OF SUCH EXAMINATION BY THE LOCAL SOCIAL SERVICES DISTRICT, THE
6 FOSTER CARE WORKER ASSIGNED TO THE CHILD SHALL ASSIST THE FOSTER CARE
7 PARENT IN ACQUIRING ANY SERVICES DEEMED MEDICALLY NECESSARY FOR THE
8 CHILD.
9 2. THE FOSTER PARENT MUST CONTINUE TO ALLOW FOR THE PROVISION OF SUCH
10 SERVICES FOR THE FOSTER CARE CHILD UNTIL SUCH TIME AS THE AUTHORIZED
11 AGENCY, EXAMINING PHYSICIAN, CERTIFIED HOME HEALTH AGENCY, OR LICENSED
12 HOME CARE SERVICES AGENCY DETERMINES THAT SUCH SERVICES ARE NO LONGER
13 NECESSARY.
14 S 2. The public health law is amended by adding a new section 3620-a
15 to read as follows:
16 S 3620-A. HOME CARE SERVICES TO CHILDREN PLACED IN FOSTER CARE. 1. FOR
17 PURPOSES OF THIS SECTION, THE TERM "HOME HEALTH CARE AGENCY" SHALL
18 INCLUDE BOTH A CERTIFIED HOME HEALTH AGENCY AND A LICENSED HOME CARE
19 SERVICES AGENCY.
20 2. WHENEVER A HOME HEALTH CARE AGENCY PERFORMS AN ASSESSMENT OF A
21 CHILD TO BE PLACED IN FOSTER CARE, THE AGENCY MUST PROVIDE A COPY OF
22 SUCH ASSESSMENT TO THE REFERRING PHYSICIAN, THE AUTHORIZED FOSTER CARE
23 AGENCY, AND THE FOSTER PARENT.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00029-01-9

1 3. WHENEVER A HOME HEALTH CARE AGENCY PROVIDES SERVICES TO A CHILD WHO
2 IS IN FOSTER CARE, SUCH AGENCY MUST PROVIDE A MONTHLY REPORT ON THE
3 PROGRESS AND DIAGNOSIS OF THE CHILD. SUCH REPORT SHALL BE PROVIDED TO
4 THE REFERRING PHYSICIAN, THE AUTHORIZED FOSTER CARE AGENCY, AND THE
5 FOSTER PARENT.

6 4. PRIOR TO DISCONTINUING ANY SERVICES, THE HOME HEALTH CARE AGENCY
7 MUST INFORM THE FOSTER CHILD'S PHYSICIAN, THE FOSTER CARE WORKER, AND
8 THE FOSTER PARENT OF SUCH CHANGE AND THE REASON FOR THE CHANGE.

9 S 3. This act shall take effect immediately.