

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 27 Session of 2013

INTRODUCED BY MENSCH, STACK, SCARNATI, WASHINGTON, FONTANA, TEPLITZ, BAKER, TOMLINSON, RAFFERTY, ERICKSON, YUDICHAK, KASUNIC, TARTAGLIONE, WILLIAMS, WAUGH, FARNESE, BROWNE, SOLOBAY, WARD, VANCE, PILEGGI, BOSCOLA, HUGHES, VOGEL, COSTA AND SCHWANK, MARCH 15, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 7, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for exchange of information.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6340.1. Exchange of information.

9 ~~(a) Licensed medical practitioners. In regard to a case of <--~~
10 ~~suspected child abuse, a licensed medical practitioner shall~~
11 ~~provide the county agency with the following information:~~

12 ~~(1) Relevant medical information known to the licensed~~
13 ~~medical practitioner regarding the child's prior and current~~
14 ~~health.~~

15 ~~(2) Information from a subsequent examination.~~

16 ~~(3) Information regarding treatment of the child.~~

1 ~~(4) Relevant medical information regarding any other~~
2 ~~child in the child's household.~~

3 ~~(b) Parental consent. Parental consent is not required for~~
4 ~~the licensed medical practitioner to provide the information~~
5 ~~under subsection (a).~~

6 ~~(c) County agency information. If requested by a licensed~~
7 ~~medical practitioner who is either the child's primary care~~
8 ~~physician or a licensed medical practitioner who is providing~~
9 ~~ongoing care to the child, the county agency shall provide the~~
10 ~~licensed medical practitioner with the following:~~

11 ~~(1) Information regarding the condition and well being~~
12 ~~of the child and the progress and outcome of an investigation~~
13 ~~under this chapter.~~

14 ~~(2) Protective services records regarding the child and~~
15 ~~any other child in the child's household if the information~~
16 ~~relates to the medical evaluation of the child.~~

17 ~~(3) The identity of other licensed medical practitioners~~
18 ~~providing medical care to the child to obtain the child's~~
19 ~~medical records.~~

20 ~~(d) County agency notification. The county agency shall~~
21 ~~notify the licensed medical practitioner who is the child's~~
22 ~~primary care provider and other licensed medical practitioner~~
23 ~~who is providing ongoing care to the child of the following~~
24 ~~information:~~

25 ~~(1) Upon initiation of an assessment, investigation or~~
26 ~~the provision of services by a county agency, the reason for~~
27 ~~the assessment, investigation or provision of protective~~
28 ~~services to the child.~~

29 ~~(2) A service plan developed for the child and the~~
30 ~~child's family.~~

1 ~~(3) The final status of a child abuse report following~~
2 ~~an investigation, whether it is indicated, founded or~~
3 ~~unfounded.~~

4 Section 2. ~~This act shall take effect January 1, 2014.~~

5 ~~(A) LICENSED CERTIFIED MEDICAL PRACTITIONERS.--IN~~ <--
6 ~~CIRCUMSTANCES WHICH NEGATIVELY AFFECT THE MEDICAL HEALTH OF A~~
7 ~~CHILD, A LICENSED CERTIFIED MEDICAL PRACTITIONER SHALL IN A~~ <--
8 ~~TIMELY MANNER PROVIDE THE COUNTY AGENCY WITH THE FOLLOWING~~
9 ~~INFORMATION WHEN AN ASSESSMENT FOR GENERAL PROTECTIVE SERVICES~~
10 ~~OR A CHILD ABUSE INVESTIGATION IS BEING CONDUCTED OR WHEN THE~~
11 ~~FAMILY HAS BEEN ACCEPTED FOR SERVICES BY A COUNTY AGENCY:~~

12 ~~(1) RELEVANT MEDICAL INFORMATION KNOWN TO THE LICENSED~~ <--
13 ~~CERTIFIED MEDICAL PRACTITIONER REGARDING THE CHILD'S PRIOR~~ <--
14 ~~AND CURRENT HEALTH.~~

15 ~~(2) INFORMATION FROM A SUBSEQUENT EXAMINATION.~~

16 ~~(3) INFORMATION REGARDING TREATMENT OF THE CHILD.~~

17 ~~(4) RELEVANT MEDICAL INFORMATION KNOWN REGARDING ANY~~
18 ~~OTHER CHILD IN THE CHILD'S HOUSEHOLD WHERE SUCH INFORMATION~~
19 ~~MAY CONTRIBUTE TO THE ASSESSMENT, INVESTIGATION OR PROVISION~~
20 ~~OF SERVICES BY THE COUNTY AGENCY TO THE CHILD OR OTHER~~
21 ~~CHILDREN IN THE HOUSEHOLD.~~

22 ~~(B) PARENTAL CONSENT.--PARENTAL CONSENT IS NOT REQUIRED FOR~~
23 ~~THE LICENSED CERTIFIED MEDICAL PRACTITIONER TO PROVIDE THE~~ <--
24 ~~INFORMATION UNDER SUBSECTION (A).~~

25 ~~(C) REQUEST BY LICENSED CERTIFIED MEDICAL PRACTITIONER.--IF~~ <--
26 ~~REQUESTED BY THE CHILD'S PRIMARY CARE PHYSICIAN OR A LICENSED~~ <--
27 ~~CERTIFIED MEDICAL PRACTITIONER WHO IS PROVIDING MEDICAL CARE TO~~ <--
28 ~~THE CHILD, THE COUNTY AGENCY, IN ORDER TO ENSURE THE PROPER~~
29 ~~MEDICAL CARE OF THE CHILD, SHALL PROVIDE THE FOLLOWING~~
30 ~~INFORMATION AS IT PERTAINS TO CIRCUMSTANCES WHICH NEGATIVELY~~

1 AFFECT THE MEDICAL HEALTH OF THE CHILD:

2 (1) THE FINAL STATUS OF ANY ASSESSMENT OF GENERAL
3 PROTECTIVE SERVICES OR AN INVESTIGATION OF CHILD ABUSE, IF
4 THE REPORT OF CHILD ABUSE IS INDICATED OR FOUNDED.

5 (2) INFORMATION ON AN UNFOUNDED REPORT OF CHILD ABUSE IF
6 THE ~~LICENSED~~ CERTIFIED MEDICAL PRACTITIONER MADE THE REPORT <--
7 AS A MANDATED REPORTER UNDER SECTION 6311 (RELATING TO
8 PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE).

9 (3) IF ACCEPTED FOR SERVICES, ANY SERVICE PROVIDED,
10 ARRANGED FOR OR TO BE PROVIDED BY THE COUNTY AGENCY.

11 (4) THE IDENTITY OF OTHER ~~LICENSED~~ CERTIFIED MEDICAL <--
12 PRACTITIONERS PROVIDING MEDICAL CARE TO THE CHILD TO OBTAIN
13 THE CHILD'S MEDICAL RECORDS TO ALLOW FOR COORDINATION OF CARE
14 BETWEEN MEDICAL PRACTITIONERS.

15 (D) NOTIFICATION BY COUNTY AGENCY.--IN CIRCUMSTANCES WHICH
16 NEGATIVELY AFFECT THE MEDICAL HEALTH OF A CHILD, THE COUNTY
17 AGENCY SHALL NOTIFY THE ~~LICENSED~~ CERTIFIED MEDICAL PRACTITIONER <--
18 WHO IS THE CHILD'S PRIMARY CARE PROVIDER, IF KNOWN, OF THE
19 FOLLOWING INFORMATION:

20 (1) THE FINAL STATUS OF ANY ASSESSMENT OF GENERAL
21 PROTECTIVE SERVICES OR AN INVESTIGATION OF CHILD ABUSE, IF
22 THE REPORT OF CHILD ABUSE IS INDICATED OR FOUNDED.

23 (2) INFORMATION ON AN UNFOUNDED REPORT OF CHILD ABUSE IF
24 THE ~~LICENSED~~ CERTIFIED MEDICAL PRACTITIONER MADE THE REPORT <--
25 AS A MANDATED REPORTER UNDER SECTION 6311.

26 (3) IF ACCEPTED FOR SERVICES, ANY SERVICE PROVIDED,
27 ARRANGED FOR OR TO BE PROVIDED BY THE COUNTY AGENCY.

28 SECTION 2. THIS ACT SHALL TAKE EFFECT DECEMBER 31, 2014.