

Senator Jen Plumb proposes the following substitute bill:

CHILD WELFARE MEDICAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates the position of medical director within the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- ▶ creates the position of medical director within the Division of Child and Family Services;
- ▶ establishes certain qualifications for the medical director position; and
- ▶ defines the duties and authority of the medical director position.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

80-2-406, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section **80-2-406** is enacted to read:

27 **80-2-406. Medical director.**

28 (1) There is created within the division the position of medical director.

29 (2) The position of medical director is a half full-time equivalent position.

30 (3) The medical director shall:

31 (a) be licensed to practice as a physician or osteopath under Title 58, Chapter 67, Utah
32 Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

33 (b) be board certified in pediatrics or family medicine;

34 (c) have at least seven years of experience in direct patient care, or equivalent
35 experience; and

36 (d) have significant training and experience in evaluating children who may be victims
37 of abuse or neglect.

38 (4) The medical director shall:

39 (a) serve as the chief medical advisor to the director;

40 (b) provide non-binding clinical expertise to division staff; and

41 (c) participate in the development, implementation, and evaluation of programs to
42 improve the physical and mental health and well-being of individuals involved with the state's
43 child welfare agencies.

44 (5) At the director's discretion, the medical director may:

45 (a) (i) oversee comprehensive medical and mental health care services for children in
46 state care, in collaboration with the psychotropic medication oversight program established
47 under Section [80-2-503.5](#) and other division programs that address the wellbeing of children in
48 state care;

49 (ii) provide non-binding consultation and recommendations on complex medical cases
50 as needed within the division;

51 (iii) provide non-binding consultation regarding the implementation of evidence-based
52 safety plans for children whose safety is at risk; or

53 (iv) provide non-binding consultation regarding the adoption of an evidence-based
54 evaluation of child, youth, and family well-being across division programs; and

55 (b) perform other similar duties at the direction of the director.

56 (6) (a) The medical director shall serve as a consultant to the division on complex

57 medical issues, but may not make a determination in a specific case on behalf of the division.

58 (b) A child welfare caseworker may not take any action or make any determination

59 based solely on the medical director's advice or recommendation.

60 (c) The division may not rely solely on the expertise of the medical director when

61 making decisions about a specific individual involved with the state's child welfare agencies.