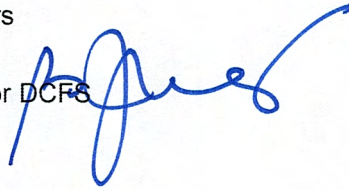


MEMORANDUM

To: DCFS staff & stakeholders

From: BJ Walker, Acting Director DCFS

Date: August 2, 2018



Re: Rescinding of Vitamin K procedure

The administration of Vitamin K and silver nitrate or ophthalmic solution to newborns is a complex issue which I believe deserves the attention of multiple governmental and policy making entities, including the state's medical community. With the changes we are making today to DCFS procedures, we are simply trying to make sure that we are not overstepping the boundaries established for us under state law and promulgated in state rules.

Therefore, effective today, I am **rescinding** the following current DCFS procedure for medical neglect related to vitamin K:

~~H) For the purposes of child protection services, the administration of silver nitrate or ophthalmic solution and vitamin K shots or pills to newborns is considered medically necessary. Calls received at SCR concerning a parent or guardian denying consent for the administration of these treatments shall be taken as reports of medical neglect.~~

In effect since 2015, this procedure inappropriately identifies what can and should be considered "medically necessary." Making that kind of determination falls outside the confines of our statutory and professional mission and judgement.

However, we recognize that rescinding the above current procedure does not represent a full solution to the legitimate medical and policy questions that are currently being discussed. As the state agency charged with responding to allegations of abuse and neglect, we certainly look forward to working with the various branches of government as well as the medical community on resolving this issue.

What we have tried to accomplish today is to ensure that our procedures dictating the actions of our workers regarding this issue are consistent with all other reporting processes that the State of Illinois assigns to DCFS. We will therefore no longer treat this issue any differently from any other allegations of abuse and neglect we receive from mandated reporters.

DCFS procedures will be updated to reflect the rescission of the above procedure.

**POSITION STATEMENT ON DCFS PROCEDURES:
ADMINISTRATION OF SILVER NITRATE OR OPHTHALMIC SOLUTION
AND VITAMIN K SHOTS OR PILLS**

State law and DCFS rules provide the following:

Abused & Neglected Child Reporting Act (ANCRA)

“Persons required to report; Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatric physician, physician assistant, ... having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.” (325 ILCS 5/4)

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being,... and (ii) the likely harm to the child is the result of a blatant disregard of parent, caretaker. (325 ILCS 5/3)

DCFS Rule 300: Allegation 79, Medical Neglect

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. Such verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

Effective August 2, 2018, DCFS is rescinding its current DCFS Procedure 300: Appendix B, Medical Neglect, Section H:

~~(H) For the purposes of child protection services, the administration of silver nitrate or ophthalmic solution and vitamin K shots or pills to newborns is considered medically necessary. Calls received at SCR concerning a parent or guardian denying consent for the administration of these treatments shall be taken as reports of medical neglect.~~

After review of the above procedure, the Acting Director, in consult with legal and policy staff, is immediately rescinding section H of DCFS Procedure 300: Appendix B. DCFS believes that this is not in concert with the Abuse Neglect Child Reporting Act (ANCRA) or DCFS Rule 300: Allegation 79, Medical Neglect. DCFS will continue to respond to calls from physicians and other medical personnel based on their professional judgment and in their official capacity regarding medical neglect no matter the cause. However, we will not identify any specific health conditions as requiring either a report or an investigation.

From January 1, 2014 to June 20, 2018, DCFS had 138 investigations for medical neglect specifically involving vitamin K and seven of these investigations were indicated for medical neglect. (Note: five investigations are currently pending).