Date: November 16th, 2020

To: Nebraska Birthing Hospitals

From: *SB* Stephanie Beasley, Director of the Division of Children and Family Services

RE: Infants born affected by substance use or misuse and an update on Nebraska's response to the Comprehensive Addiction and Recovery Act (CARA)

On July 22, 2016, the Comprehensive Addiction and Recovery Act of 2016 (CARA) was signed into law. This legislation made several changes to Child Abuse and Prevention Teatment Act (CAPTA), including the requirements that:

- Health care providers involved in the delivery or care of an infant born and identified as being affected by substance use or misuse (**not just illegal substances**) notify the child protective services system;
- States will develop policies and procedures to address the needs of newborns identified as being affected by substance use, misuse, withdrawal symptoms resulting from prenatal drug exposure or a Fetal Alcohol Spectrum Disorder;
- A Plan of Safe Care will be developed to address the health and substance use disorder treatment needs of infants and affected family or caregivers;
- And, the state will report data annually to the Children's Bureau.

Nebraska's protocols to address requirements for CARA

In order to comply with the federal requirements that health care providers involved in the delivery or care of a substance affected infant notify the child protective services system, healthcare providers are to follow these steps if an infant is considered to be affected by prenatal substance use or misuse.

1. **Report**: If child abuse and/or neglect is suspected, always notifiy the Nebraska Child Abuse and Neglect Hotline (1-800-652-1999).
   - The DHHS Children and Family Services Specialist will request a copy of the Plan of Safe Care (described below) in order to support the health and treatment needs of the infant and family.
   - In order to assess Nebraska's most vulnerable population, (children age 5 or under) the decision has been made to accept all calls made by medical professionals to the hotline if the identified child or alleged child is aged 5 or under.

2. **Notify**: Complete the Comprehensive Addiction and Recovery Act (CARA) Notification Form or Spreadsheet and submit according to the directions. This is available at http://dhhs.ne.gov/Pages/Comprehensive-Addiction-and-Recovery-Act.aspx. This notification does not contain indentifying information. The following criteria require a notification to DHHS:

   - Mother is stable and engaged in opioid medication assisted treatment with a licensed physician;
   - Mother is being treated with opioids for chronic pain by a licensed physician;
   - Mother is stable and engaged in treatment for other non-opioid substance use, including alcohol, with a licensed provider, physician and/or stable recovery program;
   - Infant is at risk for Fetal Alcohol Spectrum Disorder; Or
   - Mother is engaged in substance use or misuse, (including Marijuana) that does not rise to the level of abuse/neglect requiring a report. This is up to the physician's judgement.

For all infants affected by prenatal substance use or misuse, complete a Plan of Safe Care prior to the infant's discharge from the hospital and forward it to the infant's primary care provider.

- A Plan of Safe Care can include a discharge summary or other documentation and must address the health and substance use disorder treatment needs of the infant and affected family or caregiver.
- A Plan of Safe Care example template is available at http://dhhs.ne.gov/Pages/Comprehensive-Addiction-and-Recovery-Act.aspx. The template was developed in partnership with the Nebraska Perinatal Quality Improvement Collaborative.

Feel free to email questions at any point to DHHS.CARANotification@nebraska.gov. The team at DHHS is happy to provide technical assistance.

In addition, the Nebraska Perinatal Quality Improvement Collaborative is offering a webinar titled "Perinatal Substance Exposure: Opioid & Substance Use & CARA Federal Law Implementation" for a CME credit at no charge.
https://www.unmc.edu/cce/catalog/online/index.html