

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3114

STATUS: A Engrossed

SUBJECT: Requires the Department of Human Services to develop procedures for assessment by a qualified mental health professional for the use of psychotropic medications for children placed in foster care by the department

GOVERNMENT UNIT AFFECTED: Department of Human Services

PREPARED BY: Kim to

REVIEWED BY: Sheila Baker

DATE: May 1, 2009

EXPENDITURES:

See Analysis

2009-2011

2011-2013

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: Operative June 30, 2010, this measure requires the Department of Human Services (DHS) to develop procedures for assessment by a qualified mental health professional prior to issuance of a new prescription for more than one psychotropic medication or any antipsychotic medication for children placed in foster care by the department, except in case of urgent medical need as defined by rule. The bill also requires an annual review of medications by a licensed medical professional, or qualified mental health professional with authority to prescribe drugs, other than the prescriber, if the child has more than two prescriptions for psychotropic medications or if the child is under the age of six years.

At this time, the Legislative Fiscal Office (LFO) believes that the fiscal and budgetary ramifications of this measure are not fully understood. The purpose of this fiscal impact is to outline the broad fiscal implications of this measure and to note that a more detailed analysis is required to understand the measure's budgetary implications. This fiscal impact statement is for the purpose of transmitting the measure from the House Committee on Human Services to the Joint Committee on Ways and Means. A more thorough and complete fiscal analysis on the bill will be prepared as the measure is considered in the Joint Committee on Ways and Means.

The bill affects all foster care children covered by the Oregon Health Plan (OHP) under the Division of Medical Assistance Programs (DMAP). A 2008 DHS report shows 25 percent of Child Welfare clients who are on psychotropic medication receive Mental Health Services. The full fiscal analysis for DMAP would examine the cost for:

1. a mental health assessment of all foster care children covered by OHP prior to the issuance of a psychotropic drug or an additional psychotropic medication; and
2. an annual review by a licensed medical professional, or qualified mental health professional with authority to prescribe drugs, other than the prescriber, if the child has more than two prescriptions for psychotropic medications or if the child is under that age of six years.

The Children, Adults and Families Division (CAF) anticipates an increase in workload that would include additional monitoring and referral responsibilities, development of procedures, creation of training manuals and guidelines for interpreting medical information, and staff training related to annual notification and annual reviews.

If this bill passes, the Office of Information Services will need to perform programming and develop new system functions for CAF and the Medicaid Management Information System to track and pay drug claims.

A thorough determination of staffing needs and resources cannot be projected without further clarifications for certain portions of the bill to help define the reach and scope of the bill. For example, the bill requires assessment by a qualified mental health professional or licensed medical professional, with expertise in children's mental health, prior to issuance of a new prescription for more than one psychotropic medication or any antipsychotic medication, except in case of urgent medical need. The number of children affected can vary widely depending on the definition of "urgent medical need." The impact on DMAP can vary widely depending on the definition of "qualified mental health professional or licensed medical professional, with expertise in children's mental health."