

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

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REVIEWED BY: Sheila Baker

DATE: June 3, 2009

<REVISED>

2009-2011

2011-2013

EXPENDITURES:

See Analysis

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: *Revised to reflect the fact that assessments and reviews will be performed in-house rather than hiring or contracting additional qualified licensed professionals.* 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. The bill requires the Department to notify and inform the child's guardian about the medication, as well as why and how it is being used. The bill also prohibits prescribing psychotropic medication unless used for medically accepted indication that is age appropriate.

If this bill passes, DHS anticipates using existing Division of Medical Assistance Programs (DMAP) and Drug Use Review Board staff and resources to perform the assessments and reviews. The Department estimates the workload impact to be approximately five percent of one Pharmacist's time (0.05 FTE). The Department assumes assessments, reviews and treatment are part of the services delivered by the Mental Health organizations and are part of the capitation rate. As such these costs will be funded through current enrollment payments to Mental Health Managed Care plans and there would be no fiscal impact. DHS also assumes that if assessments, reviews and treatment result in costs above the current enrollment payments to Mental Health Managed Care, these costs would be offset by pharmaceutical savings. The Legislative Fiscal Office notes that there is no specific data to support this assumption.

Under this bill, the Children, Adults and Families Division (CAF) will also be required to take on 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. DHS states that these activities are current practice for CAF.