

House Bill 3114

Sponsored by Representative KOTEK; Representative TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to develop procedures for assessment by qualified mental health professional prior to issuance of prescription for psychotropic medication for child in foster care. Requires annual review of prescriptions by licensed medical professional, or qualified mental health professional other than prescriber, when child in foster care has more than one prescription for psychotropic medications. Prohibits prescribing of psychotropic medication unless used for medically accepted indication that is age appropriate.

A BILL FOR AN ACT

1
2 Relating to psychotropic medications for children in foster care; creating new provisions; and
3 amending ORS 418.517.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 418.517 is amended to read:

6 418.517. (1) The Department of Human Services shall develop by rule procedures for the use of
7 psychotropic medications for children placed in foster care by the department.

8 (2) The procedures shall include but not be limited to:

9 (a) **Required assessment by a qualified mental health professional as defined by rule of**
10 **the department prior to issuance of a prescription for a psychotropic medication, except in**
11 **case of emergency as defined by rule.**

12 [(a)] (b) Required notice by the foster parent to the department within one working day after
13 receiving a new prescription of the psychotropic medication.

14 [(b)] (c) Required timely notice by the department to the child's parent and the parent's legal
15 representative, if any, and the child's legal representative or the court appointed special advocate
16 containing the following information:

17 (A) The prescribed psychotropic medication;

18 (B) The amount of the dosage;

19 (C) The dosage recommended [*by the manufacturer or the United States Food and Drug Admin-*
20 *istration*] **pursuant to a medically accepted indication;**

21 (D) The reason for the medication;

22 (E) The efficacy of the medication; and

23 (F) The side effects of the medication.

24 [(c)] (d) Specified follow-up and monitoring by the department of a child taking psychotropic
25 medication **including, but not limited to, an annual review of medications by a licensed med-**
26 **ical professional, or a qualified mental health professional other than the prescriber, if a**
27 **child has more than one prescription for psychotropic medications.**

28 (3) **A psychotropic medication may not be prescribed for a child under this section unless**
29 **it is used for a medically accepted indication that is age appropriate.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(3)] (4) Any parent, legal representative of the parent, legal representative of the child or court
2 appointed special advocate may petition the juvenile court for a hearing if the parent, the repre-
3 sentative of the parent, if any, the legal representative of the child or the advocate objects to the
4 use of or the prescribed dosage of the psychotropic medication. The court may order an independent
5 evaluation of the need for or the prescribed dosage of the medication. The court may order that
6 administration of the medication be discontinued or the prescribed dosage be modified upon a
7 showing that either the prescribed medication or the dosage, or both, are inappropriate.

8 [(4)] (5) As used in this section[,]:

9 (a) “**Medically accepted indication**” means any use for a covered outpatient drug that is
10 approved under the Federal Food, Drug and Cosmetic Act, or recommended by the Drug Use
11 Review Board, or the use of which is supported by one or more citations included or approved
12 for inclusion in any of the following compendia:

13 (A) American Hospital Formulary Services drug information;

14 (B) United States Pharmacopoeia drug information or any successor publication;

15 (C) The DRUGDEX Information System; or

16 (D) The peer-reviewed medical literature.

17 (b) “Psychotropic medication” means medication the prescribed intent of which is to affect or
18 alter thought processes, mood or behavior, including but not limited to antipsychotic, antidepressant
19 and anxiolytic medication and behavior medications. The classification of a medication depends upon
20 its stated, intended effect when prescribed because it may have many different effects.

21 **SECTION 2. The amendments to ORS 418.517 by section 1 of this 2009 Act become oper-**
22 **ative on June 30, 2010.**

23 **SECTION 3. The Department of Human Services may take any action before the opera-**
24 **tive date specified in section 2 of this 2009 Act necessary to enable the department to develop**
25 **the procedures required by the amendments to ORS 418.517 by section 1 of this 2009 Act on**
26 **and after the operative date specified in section 2 of this 2009 Act.**

27