

**HB 3262 B STAFF MEASURE SUMMARY**

**Carrier:** Sen. Steiner Hayward

**Senate Committee On Human Services**

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**Action Date:** 05/31/17

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 4-0-1-0

**Yeas:** 4 - Dembrow, Gelser, Knopp, Monnes Anderson

**Exc:** 1 - Olsen

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Requires Department of Human Services (DHS), in collaboration with other agencies, to adopt rules related to prescription of psychotropic medication to elderly persons or specified persons with disabilities. Requires rules include review of prescriptions, notification of primary care or mental health care provider, limits on non-primary care provider prescriptions, person-centered assessments conducted by facilities, and determination of "best course of treatment" based on assessment. Requires DHS convene advisory committee on best practices and submit its findings to Legislative Assembly by December 31, 2017. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Uses and potential misuses of psychotropic medications and alternative treatments
- Avoiding adverse impact on appropriate diagnoses and prescription of psychotropic medications
- Provisions of amendments
- Current oversight of similar medical prescriptions

**EFFECT OF AMENDMENT:**

Replaces references to "gerontologist or psychiatrist" with "mental health care provider." Requires rules include that licensed health care provider, other than primary care provider, must notify primary care provider within 24 hours of prescription; that such prescription may be up to a seven-day supply; and that facility or home demonstrate a person-centered assessment and assessment-based best course of treatment. Requires DHS to convene advisory committee to advise DHS on best practices and to report findings to Legislative Assembly by December 31, 2017.

**BACKGROUND:**

Oregon law defines psychotropic medications as those with the prescribed intent to affect or alter thought process, mood or behavior. This includes, but is not limited to, antipsychotic, antidepressant, anxiolytic, and behavior medications. The Department of Human Services (DHS) is required to develop rules for use of psychotropic medications for children placed in foster care, but not necessarily for elderly persons or people with disabilities in care facilities or adult foster homes.

House Bill 3262-B requires DHS, in collaboration with other agencies, to adopt rules related to the prescription of psychotropic medicines to elderly persons or to persons with disabilities living in adult foster homes, residential care, or long term care facilities. Such rules must include situations where a licensed health care practitioner, other than an individual's primary care practitioner, prescribes up to a seven-day supply of psychotropic medication, and require the prescribing physician to notify the patient's primary care or mental health care provider within 24 hours. The

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rules must also require the primary care provider to review the prescription to limit adverse side effects and ensure the lowest effective dose is prescribed.

Additionally, House Bill 3262-B requires that the elderly or disabled patient's home or facility perform a person-centered assessment and that the "best course of treatment" (including nonpharmacological alternatives) be based on assessment findings. Finally, the measure requires DHS to convene an advisory committee to study and advise on best practices to govern the prescription of psychotropic medications and report to the legislature by December 31, 2017.