

**Enrolled**  
**Senate Bill 138**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

CHAPTER .....

AN ACT

Relating to prescription drug coverage in publicly financed programs; and declaring an emergency.

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

**SECTION 1. (1) The Mental Health Clinical Advisory Group is established in the Oregon Health Authority. The Mental Health Clinical Advisory Group shall develop evidence-based algorithms for mental health treatments, including treatments with mental health drugs based on:**

- (a) The efficacy of the drug;**
- (b) The cost of the drug;**
- (c) Potential side effects of the drug;**
- (d) A patient's profile; and**
- (e) A patient's history with the drug.**

**(2) The Mental Health Clinical Advisory Group consists of 18 members appointed by the authority as follows:**

- (a) Two psychiatrists each with an active community practice;**
- (b) One child and adolescent psychiatrist;**
- (c) Two licensed clinical psychologists;**
- (d) One psychiatric nurse practitioner with prescribing privileges;**
- (e) Two primary care providers;**
- (f) Two pharmacists, one of whom must have experience dispensing to long term care facilities and patients with special needs;**
- (g) Two individuals, each representing a statewide mental health advocacy organization for children and adults with mental illness, who have experience as a consumer of mental health services or as a family member of a consumer of mental health services;**
- (h) Two individuals each representing a coordinated care organization;**
- (i) One consumer of mental health services;**
- (j) One member of a federally recognized Oregon Indian tribe;**
- (k) One member who represents the Department of Corrections who has a clinical background; and**
- (L) One member who is a clinical psychiatrist and who represents the Oregon Psychiatric Access Line.**

**(3) The Mental Health Clinical Advisory Group shall, in developing treatment algorithms, consider all of the following:**

- (a) Peer-reviewed medical literature;
  - (b) Observational studies;
  - (c) Studies of health economics;
  - (d) Input from patients and physicians; and
  - (e) Any other information that the group deems appropriate.
- (4) The Mental Health Clinical Advisory Group shall make recommendations to the authority and the Pharmacy and Therapeutics Committee, including but not limited to:
- (a) Implementation of evidence-based algorithms.
  - (b) Any changes needed to any preferred drug list used by the authority.
  - (c) Practice guidelines for the treatment of mental health disorders with mental health drugs.
  - (d) Coordinating the work of the group with an entity that offers a psychiatric advice hotline.
- (5) Recommendations of the Mental Health Clinical Advisory Group shall be posted to the website of the authority no later than 30 days after the group approves the recommendations.
- (6) No later than December 31 of each year, the Mental Health Clinical Advisory Group shall report to the interim committees of the Legislative Assembly related to health on recommendations made to the authority under subsection (4) of this section and the report may include recommendations for legislation.
- (7) A member of the Mental Health Clinical Advisory Group is not entitled to compensation but may be reimbursed for necessary travel expenses incurred in the performance of the member's official duties.
- (8) The Mental Health Clinical Advisory Group shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of the group.
- (9) A majority of the members of the Mental Health Clinical Advisory Group constitutes a quorum for the transaction of business.
- (10) The Mental Health Clinical Advisory Group shall meet at least once every two months at a time and place determined by the chairperson. The group also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the group. The group may meet in executive session when discussing factors listed in subsection (1) of this section.
- (11) All agencies of state government, as defined in ORS 174.111, are directed to assist the Mental Health Clinical Advisory Group in the performance of duties of the group and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the group consider necessary to perform their duties.

**SECTION 2.** No later than December 31, 2020, the Mental Health Clinical Advisory Group shall report to the interim committees of the Legislative Assembly related to health on its progress in developing evidence-based algorithms for mental health drugs.

**SECTION 3.** (1) As used in this section, "mental health drug" means a type of legend drug defined by the Oregon Health Authority by rule that includes but is not limited to:

- (a) Therapeutic class 7 ataractics-tranquilizers; and
- (b) Therapeutic class 11 psychostimulants-antidepressants.

(2) Notwithstanding ORS 414.334, the authority shall reimburse the cost of a mental health drug prescribed for a medical assistance recipient if federal financial participation in the cost is available.

**SECTION 4.** Section 3 of this 2019 Act is repealed on January 2, 2022.

**SECTION 5.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by Senate June 13, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 19, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State