

**Enrolled**  
**House Bill 2333**

Sponsored by Representatives BONHAM, LEIF, LIVELY; Representatives BOSHART DAVIS, CATE, DRAZAN, HAYDEN, LEVY, MOORE-GREEN, NOBLE, RESCHKE, SMITH DB, WRIGHT, Senators KENNEMER, LIEBER (at the request of Brittany Ruiz, Oregon Foster Families First) (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to use of psychotropic medications for children in foster care; creating new provisions; and amending ORS 418.517.

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

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

418.517. (1) As used in this section:

(a) "Medically accepted indication" means any use for a covered outpatient drug that is approved under the Federal Food, Drug and Cosmetic Act, or recommended by the Pharmacy and Therapeutics Committee created by ORS 414.353, or the use of which is supported by one or more citations included or approved for inclusion in any of the following compendia:

- (A) American Hospital Formulary Service drug information;
- (B) United States Pharmacopoeia drug information or any successor publication;
- (C) The DRUGDEX Information System; or
- (D) Peer-reviewed medical literature.

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

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

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

(a) Required assessment by a qualified mental health professional or licensed medical professional, with expertise in children's mental health, as defined by rule of the department prior to issuance of a new prescription for more than one psychotropic medication or any antipsychotic medication, except in case of urgent medical need as defined by rule.

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

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

- (A) The prescribed psychotropic medication;
- (B) The amount of the dosage;

- (C) The dosage recommended pursuant to a medically accepted indication;
- (D) The reason for the medication;
- (E) The efficacy of the medication; and
- (F) The side effects of the medication.

(d) Specified follow-up and monitoring by the department of a child taking psychotropic medication including, but not limited to, 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.

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

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

**(6) On the first day of each quarter, the department shall submit a report to the appropriate committee or interim committee of the Legislative Assembly on the use of psychotropic medications for children placed in foster care by the department. The report must include the number of children in foster care in each department service district and in each age group who are receiving:**

- (a) Not more than two psychotropic medications;**
- (b) Three or four psychotropic medications; and**
- (c) Five or more psychotropic medications.**

**SECTION 2. The report described in ORS 418.517 (6) is first due no later than April 1, 2022.**

**Passed by House April 27, 2021**

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 Timothy G. Sekerak, Chief Clerk of House

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 Tina Kotek, Speaker of House

**Passed by Senate June 1, 2021**

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 Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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 Kate Brown, Governor

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

.....M.,....., 2021

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 Shemia Fagan, Secretary of State