

Enrolled

House Bill 3114

Sponsored by Representative KOTEK; Representative TOMEI, Senators BATES, BONAMICI, BURDICK, DEVLIN, DINGFELDER, HASS, MONNES ANDERSON, MONROE, ROSENBAUM, SCHRADER, WALKER

CHAPTER

AN ACT

Relating to 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) 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.

(2) 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.**

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

[(b)] (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 [*by the manufacturer or the United States Food and Drug Administration*] **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.

[(c)] (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.**

(3) **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.**

[(3)] (4) 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 repre-

sentative 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.

[(4)] (5) 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 Drug Use Review Board, 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 Services drug information;

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

(C) The DRUGDEX Information System; or

(D) The 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.

SECTION 2. The amendments to ORS 418.517 by section 1 of this 2009 Act become operative on June 30, 2010.

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

Passed by House June 17, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 23, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State