

## HB 3262 A -A2, -A3, -A6 STAFF MEASURE SUMMARY

### Senate Committee On Human Services

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**Meeting Dates:** 5/8, 5/24

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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, consideration and use of nonpsychotropic treatments prior to prescription, and continued nonpsychotropic treatment in conjunction with prescription. Declares emergency, effective upon passage.

*FISCAL: Minimal Expenditure Impact*

*REVENUE: No Revenue Impact*

#### ISSUES DISCUSSED:

- Uses and potential misuses of psychotropic medications and alternative treatments
- Prevention of psychotropic medications inappropriate cases, i.e. "overdrugging" patients, intent not to prevent properly diagnosed and prescribed treatments
- Concerns about effectiveness of measure and impact on proper prescription of psychotropic medications
- Possible amendments
- DHS' current oversight process of similar medical prescriptions

#### EFFECT OF AMENDMENT:

-A2 Replaces references to "gerontologist" with "geriatrician."

*FISCAL: Minimal Expenditure Impact*

*REVENUE: No Revenue Impact*

-A3 Removes references to "gerontologist."

*FISCAL: Minimal Expenditure Impact*

*REVENUE: No Revenue Impact*

-A6 Replaces references to "gerontologist or psychiatrist" with "mental health care provider." Requires DHS' rules include requirements that licensed health care provider other than primary care provider notify primary care or mental health 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.

*FISCAL: Minimal Expenditure Impact*

*REVENUE: No Revenue Impact*

#### 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 medication and

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behavior medications. Department of Human Services (DHS) is required to develop rules for use of psychotropic medications for children placed in foster care.

House Bill 3262-A requires DHS, in collaboration with other agencies, to adopt rules related to prescription of psychotropic medicine to an elderly person or person with disability living in an adult foster home, residential care or long term care facility. It requires those rules to include reviews of multiple psychotropic medicines prescriptions from a licensed health care practitioner other than the individual's primary care practitioner to be reviewed by the primary care practitioner or by a DHS-designated licensed health care practitioner. The review is intended to limit adverse side effects and ensure the lowest effective dose is prescribed. The measure also requires that nonpsychotropic alternatives be considered and tried prior to prescription of psychotropic medication, and that nonpsychotropic interventions be used in conjunction with prescribed psychotropic medication.