

Enrolled House Bill 3262

Sponsored by Representative NATHANSON; Representatives ALONSO LEON, BYNUM, EVANS,
FAHEY, MCKEOWN, MEEK, Senators MONNES ANDERSON, STEINER HAYWARD

CHAPTER

AN ACT

Relating to psychotropic medication; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

- (a) "Elderly person" means a person who is 65 years of age or older;
- (b) "Person with a disability" has the meaning given that term in ORS 410.040; and
- (c) "Psychotropic medication" has the meaning given that term in ORS 418.517.

(2) The Department of Human Services, in collaboration with the State Board of Pharmacy, the Oregon Medical Board, the Oregon State Board of Nursing and the Long Term Care Ombudsman, shall adopt rules related to the prescription of a psychotropic medication to an elderly person or a person with a disability who resides in:

- (a) An adult foster home, as defined in ORS 443.705;
- (b) A residential care facility, as defined in ORS 443.400; or
- (c) A long term care facility, as defined in ORS 442.015.

(3) The requirements of this section do not apply to an elderly person or person with a disability in a hospice program, as defined in ORS 443.850.

(4) The rules adopted under subsection (2) of this section must include, but are not limited to, requirements that:

(a) If a prescription of psychotropic medication is written by a licensed health care practitioner other than the primary care provider or mental health care provider, or other licensed health care practitioner designated by the department, of the elderly person or person with a disability, the prescription must be reviewed by the primary care provider or mental health care provider, or other licensed health care practitioner designated by the department, of the elderly person or person with a disability to:

- (A) Limit the adverse side effects of the psychotropic medication; and
- (B) Ensure that the psychotropic medication is prescribed in the lowest possible effective dosage;

(b) A licensed health care practitioner other than the primary care provider or mental health care provider, or other licensed health care practitioner designated by the department, of the elderly person or person with a disability who prescribes a psychotropic medication notify the primary care provider or mental health care provider, or other licensed health care practitioner designated by the department, of the elderly person or person with a disability of the prescription not later than 24 hours after issuing the prescription;

(c) Psychotropic medication prescribed by a licensed health care practitioner other than the primary care provider or mental health care provider, or other licensed health care practitioner designated by the department, of the elderly person or person with a disability may be in an amount sufficient for a seven-day supply; and

(d) The facility or home in which the elderly person or person with a disability resides demonstrates that:

(A) A person-centered assessment has been performed for the elderly person or person with a disability; and

(B) Based on the findings of the assessment, the best course of treatment, including the use of nonpharmacological interventions, psychotropic medication or a combination of nonpharmacological interventions and psychotropic medication, is followed.

(5) The department may adopt other rules necessary to carry out the provisions of this section.

SECTION 2. The Department of Human Services shall convene an advisory committee of stakeholders and of representatives from the department, the State Board of Pharmacy, the Oregon Medical Board, the Oregon State Board of Nursing and the Long Term Care Ombudsman to study and make recommendations for best practices related to the implementation of section 1 of this 2017 Act. The department shall submit the findings and recommendations from the study to an interim committee of the Legislative Assembly related to human services not later than December 31, 2017.

SECTION 3. Section 1 of this 2017 Act applies to prescriptions for psychotropic medication issued on or after the effective date of this 2017 Act by a licensed health care practitioner other than the primary care provider or mental health care provider, or other licensed health care practitioner designated by the Department of Human Services, of an elderly person or person with a disability.

SECTION 4. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

(2) The Department of Human Services, the State Board of Pharmacy, the Oregon Medical Board, the Oregon State Board of Nursing and the Long Term Care Ombudsman may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the agencies to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the agencies by section 1 of this 2017 Act.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House April 20, 2017

Repassed by House June 15, 2017

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 13, 2017

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State