

BILL ANALYSIS

C.S.H.B. 3531
By: Strama
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As a result of increased exposure to emotional and psychological stress, some foster children are at risk of being placed on multiple medications concurrently and there is some concern that these children are being overmedicated. While interested parties observe that the number of foster children receiving multiple medications has steadily decreased in recent years, it is still important to ensure that health care providers have the information they need to appropriately prescribe medications to foster children. C.S.H.B. 3531 seeks to address this issue by requiring the Health and Human Services Commission to implement a system to monitor the prescribing of psychotropic drugs for certain children in the conservatorship of the Department of Family and Protective Services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3531 amends the Government Code to require the Health and Human Services Commission (HHSC) to implement a system under which HHSC will use Medicaid vendor drug program data to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services and enrolled in the STAR Medicaid managed care program. The bill requires HHSC to include as a component of the monitoring system a medical review of a prescription subject to monitoring by the system when that review is appropriate.

C.S.H.B. 3531 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and authorizes the agency to delay implementation until the federal waiver or authorization is obtained. The bill provides for the meaning of "psychotropic drug" by reference to the Family Code.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3531 contains a provision not included in the original providing for the meaning of "psychotropic drug" by reference. The substitute contains provisions not included in the original requiring the Health and Human Services Commission (HHSC) to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services (DFPS) and enrolled in the Star Medicaid

managed care program and requiring HHSC to include as a component of the monitoring system a medical review of an applicable prescription when that review is appropriate.

C.S.H.B. 3531 contains a provision not included in the original requiring a state agency that is affected by a provision of the substitute to request a federal waiver or authorization, if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and authorizing the agency to delay implementation until the federal waiver or authorization is obtained.

C.S.H.B. 3531 omits a provision included in the original prohibiting a foster child from being prescribed more than four prescription medications to be taken concurrently, except in the case of an emergency, unless the decision to prescribe the medications is reviewed and approved by an independent physician provided by the managed care organization providing health care services to the child under the STAR Health program. The substitute omits a provision included in the original requiring DFPS to maintain a record of all medications prescribed for a child in the conservatorship of DFPS that includes certain specified information relating to each medication.