

By: Strama

H.B. No. 1143

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain mental health and medical services for children
3 in foster care and the conservatorship of the state, including the
4 administration of psychotropic drugs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 266.001, Family Code, is amended by
7 adding Subdivisions (6) and (7) to read as follows:

8 (6) "Mental illness" has the meaning assigned by
9 Section 571.003, Health and Safety Code.

10 (7) "Psychotropic drug" has the meaning assigned by
11 Section 261.111.

12 SECTION 2. The heading to Section 266.005, Family Code, is
13 amended to read as follows:

14 Sec. 266.005. PARENTAL NOTIFICATION OF CERTAIN
15 [SIGNIFICANT] MEDICAL CONDITIONS OR ENROLLMENT OR PARTICIPATION IN
16 DRUG RESEARCH PROGRAM.

17 SECTION 3. Section 266.005(b), Family Code, is amended to
18 read as follows:

19 (b) Except as provided by Subsection (c), the department
20 shall make reasonable efforts to notify the child's parents within
21 24 hours of:

22 (1) a significant medical condition involving a foster
23 child; ~~and~~

24 (2) the enrollment or participation of a foster child

1 in a drug research program under Section 266.0041;

2 (3) the diagnosis of a foster child with a mental
3 illness; or

4 (4) the prescription of a psychotropic drug for a
5 foster child.

6 SECTION 4. Subchapter A, Chapter 266, Family Code, is
7 amended by adding Sections 266.011, 266.012, 266.013, 266.014, and
8 266.015 to read as follows:

9 Sec. 266.011. PRIOR AUTHORIZATION FOR CERTAIN PSYCHOTROPIC
10 DRUGS. The executive commissioner shall adopt rules requiring
11 prior authorization from the STAR Health Medicaid managed care
12 program before a psychotropic drug prescribed for a foster child
13 may be dispensed. The rules must:

14 (1) prohibit a pharmacy from dispensing a psychotropic
15 drug prescribed for a foster child until the pharmacy receives
16 prior authorization from the STAR Health Medicaid managed care
17 program for the prescribed psychotropic drug if the prescription is
18 for:

19 (A) four or more psychotropic drugs to be taken
20 concurrently;

21 (B) two or more psychotropic drugs of the same
22 class to be taken concurrently;

23 (C) a psychotropic drug prescribed for a child
24 younger than five years of age; or

25 (D) a psychotropic drug the commission
26 determines should be reviewed; and

27 (2) require the STAR Health Medicaid managed care

1 program to respond to a request for authorization required under
2 Subdivision (1) not later than 24 hours after receiving the
3 request.

4 Sec. 266.012. MEDICAL REPORT FOR PRESCRIPTION OF
5 PSYCHOTROPIC DRUG. (a) The commission, in conjunction with the
6 department, and with the assistance of appropriate health and human
7 services agencies, community partners, and physicians and other
8 health care providers, shall develop a form to report the
9 prescription of a psychotropic drug to a foster child.

10 (b) The foster child's physician shall use the form
11 described by Subsection (a) to report the prescription of a
12 psychotropic drug to a foster child or a change in the dosage of a
13 psychotropic drug prescribed for the child and shall update the
14 report as appropriate to document the child's progress in reaching
15 the child's treatment goals.

16 (c) The executive commissioner shall adopt rules specifying
17 the information required to be included in the report. The report
18 must include:

19 (1) the child's diagnosis and a description of the
20 symptoms and behaviors for which the physician is prescribing the
21 psychotropic drug;

22 (2) any possible side effects of the psychotropic drug
23 that the child's care provider should monitor;

24 (3) a description of generally accepted alternatives
25 to the psychotropic drug, if any, and the reasons why the physician
26 believes that the alternatives are not appropriate;

27 (4) a description of clearly defined target symptoms

1 and treatment goals based on recognized clinical rating scales or
2 other measures to quantify the child's progress toward the
3 treatment goals;

4 (5) other information that the physician considers
5 appropriate, including the child's height, weight, blood pressure,
6 and laboratory results; and

7 (6) if the child has been taking the psychotropic drug
8 for longer than six months, the physician's analysis of the
9 necessity of continuing the psychotropic drug.

10 (d) The physician and the person authorized to consent to
11 medical care for the foster child under this chapter must review and
12 sign the medical report.

13 (e) The department shall make the medical report available
14 as part of the child's health passport described by Section
15 266.006.

16 Sec. 266.013. COMPREHENSIVE ASSESSMENTS. Not later than
17 the 30th day after the date a child enters the conservatorship of
18 the department, the child shall receive a comprehensive,
19 multidisciplinary assessment that includes a screening for trauma.

20 Sec. 266.014. ASSESSMENT REQUIRED BEFORE PRESCRIBING
21 PSYCHOTROPIC DRUG. Except for authorizing a refill of an existing
22 prescription or in an emergency that requires the urgent
23 administration of a psychotropic drug, a physician may not
24 prescribe a psychotropic drug for a foster child until the
25 assessment described by Section 266.013 is complete.

26 Sec. 266.015. STUDY REGARDING USE OF PSYCHOTROPIC DRUGS;
27 REPORT. (a) The department shall review the use of psychotropic

1 drugs in the treatment of foster children.

2 (b) Not later than December 1 of each even-numbered year,
3 the department shall deliver a report on the review conducted under
4 Subsection (a), including an analysis of any trends in the use of
5 psychotropic drugs in the treatment of foster children, to the
6 governor, the lieutenant governor, and the speaker of the house of
7 representatives.

8 SECTION 5. Section 533.0161(b), Government Code, is amended
9 to read as follows:

10 (b) The commission shall implement a system under which the
11 commission will use Medicaid prescription drug data to monitor the
12 prescribing of psychotropic drugs for [~~children who are~~]:

13 (1) children who are in the conservatorship of the
14 Department of Family and Protective Services[+] and

15 [~~(2)~~] enrolled in the STAR Health Medicaid managed care
16 program or eligible for both Medicaid and Medicare; and

17 (2) children who are under the supervision of the
18 Department of Family and Protective Services through an agreement
19 under the Interstate Compact on the Placement of Children under
20 Subchapter B, Chapter 162, Family Code.

21 SECTION 6. (a) Except as provided by Subsection (b) of
22 this section, this Act takes effect September 1, 2013.

23 (b) Section 266.012, Family Code, as added by this Act,
24 takes effect February 1, 2014.