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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Judiciary (Fasano) recommended the following:

**Senate Amendment**

Delete lines 773 - 823  
and insert:

(10) REVIEW FOR ADMINISTRATION OF PSYCHOTROPIC MEDICATION  
FOR CHILDREN FROM BIRTH THROUGH 10 YEARS OF AGE IN OUT-OF-HOME  
CARE.-

(a) Absent a finding of a compelling governmental interest,  
a psychotropic medication may not be authorized by the court for  
any child from birth through 10 years of age who is in out-of-  
home placement. Based on a finding of a compelling governmental  
interest but before a psychotropic medication is authorized by  
the court for any child from birth through 10 years of age who



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14 is in an out-of-home placement, a review of the administration  
15 must be obtained from a child psychiatrist who is licensed under  
16 chapter 458 or chapter 459. The results of this review must be  
17 provided to the child and the parent or legal guardian before  
18 final express and informed consent is given.

19 (b) The department may authorize, in advance of a court  
20 order, the administration of psychotropic medications to a child  
21 from birth through 10 years of age in its custody in the  
22 following levels of residential care:

- 23 1.Hospital;
- 24 2.Crisis stabilization unit or receiving facility;
- 25 3.Therapeutic group home; or
- 26 4.Statewide inpatient psychiatric program.

27  
28 These levels of care demonstrate the requirement of compelling  
29 governmental interest through the extensive admission criteria  
30 being met. If the department does so, it must file a motion to  
31 seek court authorization for the continued administration of the  
32 medication within 3 working days.

33 (c) If a child receives a one-time dose of a psychotropic  
34 medication during a crisis, the department shall provide  
35 immediate notice to all parties and to the court of each such  
36 emergency use.

37 (11) CLINICAL TRIALS.—At no time shall a child in the  
38 custody of the department be allowed to participate in a  
39 clinical trial that is designed to develop new psychotropic  
40 medications or evaluate their application to children.

41 (12) JUDICIAL REVIEW HEARINGS.—The department shall fully  
42 inform the court of the child's medical and behavioral status as



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43 part of the social services report prepared for each judicial  
44 review hearing held for a child for whom psychotropic medication  
45 has been prescribed or provided under this subsection. As a part  
46 of the information provided to the court, the department shall  
47 furnish copies of all pertinent medical records concerning the  
48 child which have been generated since the previous hearing. On  
49 its own motion or on good cause shown by any party, including  
50 any guardian ad litem, attorney, or attorney ad litem who has  
51 been appointed to represent the child or the child's interests,  
52 the court may review the status more frequently than required in  
53 this subsection.

54 (13) ADOPTION OF RULES.—The department may adopt rules to  
55 ensure that children receive timely access to mental health  
56 services, including, but not limited to, clinically appropriate  
57 psychotropic medications. These rules must include, but need not  
58 be limited to, the process for determining which adjunctive  
59 services are needed, the uniform process for facilitating the  
60 prescribing physician's ability to obtain the express and  
61 informed consent of a child's parent or guardian, the procedures  
62 for obtaining court authorization for the provision of a  
63 psychotropic medication, the frequency of medical monitoring and  
64 reporting on the status of the child to the court, how the  
65 child's parents will be involved in the treatment-planning  
66 process if their parental rights have not been terminated, and  
67 how caretakers are to be provided information contained in the  
68 physician's signed mental health treatment plan. The rules must  
69 also include uniform forms or standardized information to be  
70 used on a statewide basis in requesting court authorization for  
71 the use of a psychotropic medication and provide for the



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72 integration of each child's mental health treatment plan and  
73 case plan. The department must begin the formal rulemaking  
74 process within 90 days after the effective date of this act.