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|  | Department of Human Services<br><b>CHILDREN, ADULTS &amp; FAMILIES</b>                         | <b>NUMBER:</b> I-E.3.3.1<br><b>OAR:</b> 413-070-0400 thru 0490                   |
|   | <b>CLIENT SERVICES INDEX</b>   | <b>SECTION:</b> E. Substitute Care   |
|   | <b>ISSUED BY:</b> Office of Safety and Permanency<br>for Children<br><br><b>FINAL:</b> 5-01-07 | <b>SUBSECTION:</b> 3. Placement<br>Expectations 3. Examinations and<br>Treatment |
| <b>SUBJECT:</b> 1. Psychotropic Medication Management – OAR                       |  |  |

## REFERENCES

Psychotropic Medication Reference Tool

## FORMS

CF 173a, Notice to Parties of Psychotropic Medication Use

CF 173b, Psychotropic Medication Consultation Request, Review and Recommendations

CF 173c, Request for Clarifying Information re: Psychotropic Medication Prescription

## 413-070-0400

### Purpose

These rules (OAR 413-070-0400 to 413-070-0490) describe the responsibilities of the substitute caregiver and the Department when a child or young adult in the Department's care or custody placed with a substitute caregiver, including a pre-adoptive placement, is prescribed or administered psychotropic medication.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

## 413-070-0410

### Definitions

The following definitions apply to OAR 413-070-0400 to 413-070-0490:

- (1) "Child" means a person under 18 years of age.
- (2) "Department" means the Department of Human Services, Child Welfare.
- (3) "Designee" means a person whom the designator directly and immediately supervises, or a person with equal or greater management responsibility than the designator.

- (4) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.
- (5) "Licensed health care professional" means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the practitioner's license or certification.
- (6) "Provider" means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.
- (7) "Psychotropic medication" means medication, the prescribed intent of which is to affect or alter thought processes, mood, or behavior, including, but not limited to antipsychotic, antidepressant, and anxiolytic medication and behavior medications. The classification of a medication depends upon its stated, intended effect when prescribed because it may have many different effects.
- (8) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.
- (9) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.
- (10) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.
- (11) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0430**

#### **Department Records, Medication Review, and Documentation Requirements**

- (1) The Department must keep the medical history record of any child or young adult in substitute care. As used in this section, "medical history" includes a child or young adult's records of medical care, including but not limited to the names of former and current health providers, medical services and diagnoses, evaluations, immunizations, and prescribed medications.

- (2) The caseworker must:
- (a) Document and inform the substitute caregiver of known health information of a child or young adult at the time of placement, including information regarding any prescribed and administered psychotropic medication.
  - (b) Retain copies of all medical documents received by the Department in the medical section of the case file of the child or young adult in substitute care.
  - (c) Document and update records of known health conditions of the child or young adult in substitute care when developing the case plan and at each case plan review.
  - (d) Complete the notifications required per OAR 413-070-0480 and 413-070-0490.
  - (e) Review the child or young adult's psychotropic medication with the caseworker's supervisor and notify the Department's Personal Care RN Coordinator or designee when any of the following circumstances become known to the caseworker:
    - (A) A child under six years of age has been prescribed a psychotropic medication.
    - (B) More than three psychotropic medications are administered to a child or young adult in substitute care.
    - (C) More than one psychotropic medication is being administered from one of the following classifications of psychotropic medication:
      - (i) Stimulants.
      - (ii) Mood stabilizers.
      - (iii) Anti-depressants.
      - (iv) Anti-anxiety.
      - (v) Anti-psychotics.
    - (D) When a psychotropic medication is prescribed PRN. As used in this rule, "PRN" means ordered to be given as needed (pro re nata).
    - (E) When a child or young adult's monthly medication log reflects administration of a psychotropic medication prescribed PRN more than two times in any seven day period.

- (f) After the review required in subsection (e) of this section, when advised by either the supervisor or the Department Personal Care RN Coordinator:
  - (A) Consult with the prescribing licensed health care professional to seek additional information; or
  - (B) Seek a second opinion regarding a child or young adult's psychotropic medication.
- (g) Assure that the diagnosed condition of the child or young adult in substitute care and the effects of the administration of psychotropic medication are routinely reviewed and monitored by the licensed health care professional.
- (h) Report to the prescribing health care professional when the condition of the child or young adult in substitute care is not improving or is deteriorating.
- (i) Request and receive updated health information of the child or young adult in substitute care and effects of the prescribed psychotropic medication therapy from the substitute caregiver during the required 30 day contact with the substitute caregiver.
- (j) Receive and review each month the medication log of the child or young adult in substitute care and file a copy in the medical section of the case record of the child or young adult.
- (k) Document the review and actions taken subsequent to the review required in subsection (e) of this section, and all consultation notes in FACIS case notes.
- (l) File all written medical records in the medical section of the case file.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0440**

#### **Authority for the Administration of a Psychotropic Medication Prescription in an Emergency**

- (1) In any instance where the behavior or condition of a child or young adult requires immediate, emergency medical care, which includes the administration of psychotropic medication, the District Manager or designee may consent to emergency medical care as described in Child Welfare Policy I-B.1.4, "Guardian and Legal Custodian Consents", OAR 413-020-0100 to 413-020-0170.

- (2) The caseworker must request copies of records for orders for medication, laboratory, and other medical procedures recorded in the child or young adult's clinical record, within seven working days of the emergency medical care.
- (3) Requirements of notification as described in OAR 413-070-0480 and 413-070-0490 apply to emergency administration of psychotropic medication upon the caseworker's receipt of the information requested in section (2) of this rule.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0450**

##### **Disclosure Requirements for the Department Regarding a Child 14 Years of Age and Older and a Young Adult in Substitute Care**

Pursuant to ORS 109.675, a child 14 years of age or older or a young adult in substitute care may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder, or a chemical dependency, excluding methadone maintenance, by a physician, licensed psychologist, nurse practitioner or licensed clinical social worker. However, when a child 14 years of age or older or a young adult is placed in substitute care, and the substitute caregiver or Child Welfare has knowledge of that prescription, the notification requirements of OAR 413-070-0470(2), 413-070-0480, and 413-070-0490 apply.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0470**

##### **Substitute Caregiver Responsibilities**

- (1) Before administering a new or amended prescription for psychotropic medication to a child or young adult in substitute care, the substitute caregiver must provide written or verbal notification to the caseworker or caseworker's supervisor within one working day when a licensed health care professional:
  - (a) Prescribes psychotropic medication therapy; or
  - (b) Prescribes a change in dosage, suspension, or discontinuation of the current psychotropic medication.
- (2) The notification required under section (1) of this rule must include:
  - (a) The name and contact information of the prescribing licensed health care professional;

- (b) The diagnosed condition for which the medication was prescribed;
  - (c) The name of the medication;
  - (d) The dosage prescribed or changed; and
  - (e) The reason the medication was prescribed or changed.
- (3) The substitute caregiver must keep current medical records of a child or young adult in the care or custody of the Department. The records must include:
- (a) Medical appointments for the child or young adult in substitute care.
  - (b) Medical appointment follow-up reports provided to the substitute caregiver.
  - (c) Any immunization records obtained while in the care of the substitute caregiver.
  - (d) A record of all prescribed medications administered to the child or young adult in substitute care.
  - (e) Substitute caregivers certified by the Department must keep a current medication log on a form prescribed by the Department (CF 1083). Providers must keep a current medication log either on the Department's form (CF 1083) or on a form provided by the child caring agency. The medication log record must include all medications administered to the child or young adult in substitute care and must include:
    - (A) The name of the child or young adult in substitute care.
    - (B) The brand or generic name of the medication, including the prescribed dosage and prescribed dosage administration schedule.
    - (C) Times and dates of administration or monitored self-administration of the medication.
    - (D) The name or initials of the substitute caregiver administering the medication or monitoring the self-administration.
- (4) The substitute caregiver must give completed Medication logs to the Department at the end of each month. This must include logs of all medication administered to the child or young adult at school or in settings other than the substitute caregiver's home.
- (5) The substitute caregiver must keep all psychotropic medications properly stored and must:

- (a) Ensure the psychotropic medication specifies the licensed health care professional's order for the administration of the psychotropic medication; and
  - (b) Ensure the psychotropic medication is kept in locked storage and stored as prescribed. Psychotropic medication requiring refrigeration must be kept under refrigeration in a locked box.
- (6) The substitute caregiver may not discontinue, change, or otherwise alter the prescribed administration of a psychotropic medication for a child or young adult in substitute care without direction from the licensed health care professional.
- (7) The substitute caregiver may not use alternative medications intended to alter or affect mood or behavior, such as herbals or homeopathic remedies, without direction and supervision of the licensed health care professional of the child or young adult in substitute care.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0480**

##### **Notification Timelines for Psychotropic Medication Therapy**

- (1) The Department must provide written notification to the parties identified in section (2) of this rule within a timely manner, not to exceed seven working days of --
- (a) The Department receiving notice of the child or young adult in substitute care beginning psychotropic medication therapy; or
  - (b) Any of the following changes occur in the treatment of a child or young adult in substitute care:
    - (A) The prescribed dosage of a psychotropic medication.
    - (B) Discontinuation of existing psychotropic medication therapy.
    - (C) An additional or another psychotropic medication.
- (2) Written notification is provided to:
- (a) The parent or legal guardian of a child or young adult in substitute care unless a parent has relinquished parental rights, had parental rights terminated, or whereabouts are unknown;
  - (b) The parent or legal guardian's attorney, if known to the branch;

- (c) The attorney of the child or young adult in substitute care, if known; and
  - (d) The court appointed special advocate of the child or young adult in substitute care, if one has been appointed.
- (3) A copy of the written notification described in sections (1) and (2) of this rule is provided to all other legal parties to the case and the child or young adult's substitute caregiver.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517

#### **413-070-0490**

#### **Notification Content for Psychotropic Medication Therapy**

The notification described in OAR 413-070-0480 must contain:

- (1) The diagnosed condition of the child or young adult in substitute care;
- (2) The name of the prescribed psychotropic medication;
- (3) The prescribed dosage;
- (4) The dosage recommended by the drug's manufacturer or the United States Food and Drug Administration (FDA) when the FDA has issued pediatric dosage recommendations;
- (5) The reason the medication was prescribed;
- (6) The expected benefit of the medication;
- (7) The most common side-effects of the medication; and
- (8) Notice of the right to petition the juvenile court for a hearing if there is an objection to the use of the prescribed medication or prescribed dosage.

Stat. Auth.: ORS 418.005, 418.517

Stats. Implemented: ORS 109.675, 418.517