Dear Health Care Provider:

As Director of Oregon’s Department of Human Services Division of Children, Adults and Families (CAF), I’m writing to you because you are a valued provider of health care services to Oregon’s children.

There are important changes in the Oregon statutes and administrative policies relating to psychotropic medication use for children who are in foster care or residing in treatment programs.

CAF is working hard to ensure that children in our care receive all the services they need to address their mental health and other health needs. We have made significant gains in ensuring these children receive timely mental health assessments and are working on other efforts such as the Oregon Wraparound Initiative to deliver comprehensive services to children with high needs. The Oregon legislature this year also turned its attention to children in foster care, and passed House Bill 3114, which amended Oregon Revised Statute 418.571 concerning psychotropic medications for children in foster care. The full text of the law, which goes into effect on June 30, 2010, can be found on www.leg.state.or.us/09reg/measpdf/hb3100.dir/hb3114.en.pdf.

The new law holds CAF responsible for the following:

1) A mental health assessment must be done before any child in foster care receives more than one new psychotropic medication or any antipsychotic medication, except in cases of urgent medical need;

2) An annual review of psychotropic medications is required for all children under the age of 6 on psychotropic medications or who are receiving more than two psychotropic medications.

This annual review will be done by the Oregon Medicaid Drug Use Review (DUR) Program in concert with CAF medical personnel. As a part of this legally mandated review, you may receive a letter of inquiry from the DUR Program if your patient meets one of the identified criteria, requesting additional information to facilitate the clinical pharmacists’ completion of the review. The DUR Program has already begun its reviews, and you may already have been contacted by them.

The second major change is related to consent. Pursuant to legal consultation indicating that psychotropic medication must be treated as a special procedure, starting July 1, 2010, we will assign the responsibility for providing consent for psychotropic medications to the Child Welfare Program Manager or Designee. The foster parent will no longer be able to provide consent.

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When a new psychotropic medication is prescribed, the foster parent may no longer provide consent -- but they will be able to receive the prescription, which can be filled only after consent is provided by the Child Welfare Manager or Designee.

Here is how the process will work: The foster parent will bring a Psychotropic Medication Consent Form and a fax cover sheet to the medical appointment. If a psychotropic medication is prescribed, you will complete the form during the visit and fax it to the appropriate CAF branch office. The Psychotropic Medication Consent Form will be reviewed by the Child Welfare Program Manager or Designee, who will fax a signed form back to you and notify the foster parent that consent has been given. If there are questions, the Child Welfare staff member will contact you.

The expected turnaround time for consent is within 3 working days.

We have included a flow chart diagram of the new consent process with this letter, and we ask you to familiarize yourself with the steps. We were fortunate to have a highly engaged multi-stakeholder Work Group, including physicians, foster parents, mental health providers and other agency representatives, which met over the past 3 months to help draft the new administrative rule language for both the implementation of HB 3114 and the new consent procedures.

We understand that some of these changes will impact your practice with children in foster care, and may be burdensome. As we respond to these new legal requirements, we will make all efforts to minimize delays.

Above all, I want to express how much we appreciate the contribution you make every day in providing health care to our state’s most vulnerable children. We look forward to continuing to collaborate with you to help them grow into healthy adults.

If you have any questions about details of the new law or the consent procedures, please feel free to contact Teri Shultz, RN, Nurse Manager at 503-945-6620. To review the new CAF Psychotropic Medication draft rules, visit
http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm#ie331

With appreciation,

Erinn Kelley-Siel, Assistant Director
DHS Children, Adults and Families Division
ph: (503) 945-7001
erinn.kelley-siel@state.or.us

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