

# House Bill 3262

Sponsored by Representative NATHANSON; Senator STEINER HAYWARD

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services, in collaboration with other agencies, to adopt rules related to prescription of psychotropic medications to elderly persons and persons with disabilities.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to psychotropic medication; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) "Elderly person" means a person who is 65 years of age or older;

6 (b) "Person with a disability" has the meaning given that term in ORS 410.040; and

7 (c) "Psychotropic medication" has the meaning given that term in ORS 418.517.

8 (2) The Department of Human Services, in collaboration with the State Board of Phar-  
9 macy, the Oregon Medical Board, the Oregon State Board of Nursing and the Long Term  
10 Care Ombudsman, shall adopt rules related to the prescription of a psychotropic medication  
11 to an elderly person or a person with a disability who resides in:

12 (a) An adult foster home, as defined in ORS 443.705;

13 (b) A residential care facility, as defined in ORS 443.400; or

14 (c) A long term care facility, as defined in ORS 442.015.

15 (3) The requirements of this section do not apply to an elderly person or person with a  
16 disability in a hospice program, as defined in ORS 443.850.

17 (4) The rules adopted under subsection (2) of this section must include, but are not lim-  
18 ited to, requirements that:

19 (a) If a prescription of more than two doses of psychotropic medication is written by a  
20 licensed health care practitioner other than the primary care physician of the elderly person  
21 or person with a disability, the prescription must be reviewed by the primary care physician  
22 of the elderly person or person with a disability to:

23 (A) Limit the adverse side effects of the psychotropic medication; and

24 (B) Ensure that the psychotropic medication is prescribed in the lowest possible effective  
25 dosage; and

26 (b) The facility or home in which the elderly person or person with a disability resides  
27 demonstrates that:

28 (A) A person-centered assessment has been performed on the elderly person or person  
29 with a disability to determine potential nonpharmacological interventions that could be em-  
30 ployed to alleviate the need for psychotropic medications;

31 (B) The interventions have been employed prior to the prescription of the psychotropic

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 medication; and

2 (C) The facility or home will continue to attempt the interventions in conjunction with  
3 the administration of the psychotropic medication.

4 (5) The department may adopt other rules necessary to carry out the provisions of this  
5 section.

6 SECTION 2. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

7 (2) The Department of Human Services, the State Board of Pharmacy, the Oregon Med-  
8 ical Board, the Oregon State Board of Nursing and the Long Term Care Ombudsman may  
9 take any action before the operative date specified in subsection (1) of this section that is  
10 necessary to enable the agencies to exercise, on and after the operative date specified in  
11 subsection (1) of this section, all of the duties, functions and powers conferred on the agen-  
12 cies by section 1 of this 2017 Act.

13 SECTION 3. This 2017 Act being necessary for the immediate preservation of the public  
14 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
15 on its passage.

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