



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 286

2 AMENDMENT NO. _____. Amend House Bill 286 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Administration of Psychotropic Medications to Children Act.

6 Section 2. Legislative Findings. The General Assembly
7 recognizes that:

8 (a) Mental illnesses among children and adolescents can be
9 severely debilitating and, if untreated, can have a negative
10 effect on their education, their families and communities, and
11 their future lives as productive citizens of Illinois.

12 (b) Psychotropic medications, when used carefully and
13 appropriately, can be safe and effective treatments for
14 children with serious mental illnesses.

15 (c) Psychotropic medications, like most other medications,
16 may pose serious risks and side effects, particularly if their

1 use is not carefully monitored.

2 (d) Under Illinois law, minors cannot give consent to
3 medical treatment, including psychotropic medications.

4 (e) Under Illinois law, in the absence of an emergency,
5 medical treatment, including the administration of
6 psychotropic medications, may only be provided to a minor with
7 the consent of a parent, a guardian, or some other person
8 authorized by law to give consent.

9 (f) The Department of Children and Family Services has
10 responsibility for providing informed consent for medical
11 treatment, including the administration of psychotropic
12 medications, for thousands of children and adolescents.

13 (g) The health, safety, and well-being of children and
14 adolescents who are the legal responsibility of the Department
15 depend on the existence and enforcement of appropriate
16 standards and procedures through which the Department may
17 determine when the use of psychotropic medications is
18 appropriate for these children and adolescents.

19 Section 5. Administration of psychotropic medications. On
20 or before October 1, 2011, the Department of Children and
21 Family Services shall promulgate final rules, amending its
22 current rules establishing and maintaining standards and
23 procedures to govern the administration of psychotropic
24 medications. Such amendments to its rules shall include, but
25 are not limited to, the following:

1 (a) The role of the Department in the administration of
2 psychotropic medications to youth for whom it is legally
3 responsible and who are in facilities operated by the Illinois
4 Department of Corrections or the Illinois Department of
5 Juvenile Justice.

6 (b) Provisions regarding the administration of
7 psychotropic medications for youth for whom the Department is
8 legally responsible and who are in residential facilities,
9 group homes, transitional living programs, or foster homes
10 where the youth is under the age of 18 or where the youth is 18
11 or older and has provided the Department with appropriate
12 consent.

13 (c) Provisions regarding the administration of
14 psychotropic medications for youth for whom the Department is
15 legally responsible and who are in psychiatric hospitals.

16 (d) Provisions concerning the emergency use of
17 psychotropic medications, including appropriate and timely
18 reporting.

19 (e) Provisions prohibiting the administration of
20 psychotropic medications to persons for whom the Department is
21 legally responsible as punishment for bad behavior, for the
22 convenience of staff or caregivers, or as a substitute for
23 adequate mental health care or other services.

24 (f) The creation of a committee to develop, post on a
25 website, and periodically review materials listing which
26 psychotropic medications are approved for use with youth for

1 whom the Department has legal responsibility. The materials
2 shall include guidelines for the use of psychotropic
3 medications and may include the acceptable range of dosages,
4 contraindications, and time limits, if any, and such other
5 topics necessary to ensure the safe and appropriate use of
6 psychotropic medications.

7 (g) Provisions regarding the appointment, qualifications,
8 and training of employees of the Department who are authorized
9 to consent to the administration of psychotropic medications to
10 youth for whom the Department has legal responsibility,
11 including the scope of the authority of such persons.

12 (h) Provisions regarding training and materials for
13 parents, foster parents, and relative caretakers concerning
14 the rules governing the use of psychotropic medications with
15 youth for whom the Department has legal responsibility.

16 (i) With respect to any youth under the age of 18 for whom
17 the Department has legal responsibility and who does not assent
18 to the administration of recommended psychotropic medication,
19 provisions providing standards and procedures for reviewing
20 the youth's concerns. With respect to any youth over the age of
21 18 for whom the Department has legal responsibility and who
22 does not consent to the administration of recommended
23 psychotropic medication, provisions providing standards and
24 procedures for reviewing the youth's concerns upon the youth's
25 request and with the youth's consent. Standards and procedures
26 developed under this subsection shall not be inconsistent with

1 the Mental Health and Developmental Disabilities Code.

2 (j) Provisions ensuring that, subject to all relevant
3 confidentiality laws, service plans for youth for whom the
4 Department has legal responsibility include the following
5 information:

6 (1) Identification by name and dosage of the
7 psychotropic medication known by the Department to have
8 been administered to the youth since the last service plan.

9 (2) The benefits of the psychotropic medication.

10 (3) The negative side effects of the psychotropic
11 medication.

12 Section 10. Failure to comply with Department rules. The
13 Department must establish and maintain rules designed to ensure
14 compliance with any rules promulgated pursuant to Section 5 of
15 this Act. Such rules shall include, but are not limited to, the
16 following:

17 (a) Standards and procedures for notifying physicians,
18 residential treatment facilities, and psychiatric hospitals
19 when they have violated any rule enacted or maintained pursuant
20 to Section 5 of this Act.

21 (b) Standards and procedures for issuing written warnings
22 to physicians, residential treatment facilities, and
23 psychiatric hospitals when they have violated any rule enacted
24 or maintained pursuant to Section 5 of this Act.

25 (c) Standards and procedures for notifying the Department

1 of Financial and Professional Regulation when a physician has
2 repeatedly violated any rule enacted or maintained pursuant to
3 Section 5 of this Act after having received a written warning
4 on one or more occasions. This subsection is not intended to
5 limit the Department's authority to make a report to the
6 Department of Financial and Professional Regulation when a
7 physician has violated a rule and has not received a written
8 warning when the Department determines it is in the minor's and
9 society's interest to make the report.

10 (d) Standards and procedures for notifying the Department
11 of Public Health when any facility licensed by that Department
12 has repeatedly violated any rule enacted or maintained pursuant
13 to Section 5 of this Act after having received a written
14 warning on one or more occasions. This subsection is not
15 intended to limit the Department's authority to make a report
16 to the Department of Public Health when a facility has violated
17 a rule and has not received a written warning when the
18 Department determines it is in the minor's and society's
19 interest to make the report.

20 (e) Standards and procedures for notifying the guardian ad
21 litem appointed pursuant to Section 2-17 of the Juvenile Court
22 Act of 1987, of a ward who has been administered psychotropic
23 medication in violation of any rule enacted or maintained
24 pursuant to Section 5 of this Act, where the guardian ad litem
25 has requested notification and provides the Department with
26 documentation verifying that pursuant to the Mental Health and

1 Developmental Disabilities Confidentiality Act, the court has
2 entered an order granting the guardian ad litem authority to
3 receive and review this information.

4 (f) Standards and procedures for notifying the
5 Department's licensing division when a residential facility or
6 group home licensed by the Department has repeatedly violated
7 any rule enacted or maintained pursuant to Section 5 of this
8 Act.

9 Section 15. Annual report.

10 (a) No later than December 31 of each year, the Department
11 shall prepare and submit an annual report, covering the
12 previous fiscal year, to the General Assembly concerning the
13 administration of psychotropic medication to persons for whom
14 it is legally responsible. This report shall include, but is
15 not limited to, the following:

16 (1) The number of violations of any rule enacted
17 pursuant to Section 5 of this Act.

18 (2) The number of warnings issued pursuant to
19 subsection (b) of Section 10 of this Act.

20 (3) The number of physicians who have been issued
21 warnings pursuant to subsection (b) of Section 10 of this
22 Act.

23 (4) The number of physicians who have been reported to
24 the Department of Financial and Professional Regulation
25 pursuant to subsection (c) of Section 10 of this Act, and,

1 if available, the results of such reports.

2 (5) The number of facilities that have been reported to
3 the Department of Public Health pursuant to subsection (d)
4 of Section 10 of this Act and, if available, the results of
5 such reports.

6 (6) The number of Department-licensed facilities that
7 have been the subject of licensing complaints pursuant to
8 subsection (f) of Section 10 of this Act, and if available,
9 the results of the complaint investigations.

10 (7) Any recommendations for legislative changes or
11 amendments to any of its rules or procedures established or
12 maintained in compliance with this Act.

13 (b) The requirement for reporting to the General Assembly
14 shall be satisfied by filing copies of the report with the
15 Speaker, the Minority Leader, and the Clerk of the House of
16 Representatives, the President, the Minority Leader, and the
17 Secretary of the Senate, and the Legislative Research Unit, as
18 required by Section 3.1 of the General Assembly Organization
19 Act and by filing additional copies with the State Government
20 Report Distribution Center for the General Assembly as required
21 under paragraph (t) of Section 7 of the State Library Act.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."