

Amendment to HB 120

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraphs; Delinquent Children; Definitions Added. Amend RSA 169-B:2 by inserting  
4 after paragraph XIII the following new paragraphs:

5 XIII-a. "Psychotropic medication" means a drug prescribed by a licensed medical  
6 practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

7 XIII-b. "Medication restraint" means the involuntary administration of any medication,  
8 including psychotropic medication, for the purpose of immediate control of behavior.

9 2 Delinquent Children; Treatment Plan Involving the Use of Psychotropic Medication. Amend  
10 RSA 169-B:23 to read as follows:

11 169-B:23 Orders for [~~Physical~~] **Health** Examination and Treatment. If it is alleged in any  
12 petition, or it appears at any time during the progress of the case, that a delinquent is in need of  
13 [~~physical~~] **health** treatment, the failure to receive which is a contributing cause of delinquency, due  
14 notice of that fact shall be given as provided in RSA 169-B:7. If the court, upon hearing, finds that  
15 such treatment is reasonably required, it shall be ordered and the expense thereof shall be borne as  
16 provided in RSA 169-B:40.

17 3 New Paragraphs; Child Protection Act; Definitions Added. Amend RSA 169-C:3 by inserting  
18 after paragraph XXV-a the following new paragraphs:

19 XXV-b. "Psychotropic medication" means a drug prescribed by a licensed medical  
20 practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

21 XXV-c. "Medication restraint" means the involuntary administration of any medication,  
22 including a psychotropic medication, for the purpose of immediate control of behavior.

23 4 New Paragraph; Duties of the Department of Health and Human Services Under the Child  
24 Protection Act; Oversight of Children in Foster Care Receiving Psychotropic Medication. Amend  
25 RSA 169-C:34 by inserting after paragraph VIII the following new paragraph:

26 IX. The use of medication restraint shall be limited as provided in RSA 126-U.

27 5 New Paragraphs; Children in Need of Services (CHINS); Definitions Added. Amend RSA 169-  
28 D:2 by inserting after paragraph XIII the following new paragraphs:

29 XIII-a. "Psychotropic medication" means a drug prescribed by a licensed medical  
30 practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

31 XIII-b. "Medication restraint" means the involuntary administration of any medication,  
32 including a psychotropic medication, for the purpose of immediate control of behavior.

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1           6 New Paragraph; Children in Need of Services; Oversight of Children in Foster Care Receiving  
2 Psychotropic Medication. Amend RSA 169-D:17 by inserting after paragraph VIII the following new  
3 paragraph:

4           IX. The department shall ensure that, when psychotropic medication is prescribed for  
5 children in foster care, appropriate medication monitoring is provided pursuant to current American  
6 Academy of Child and Adolescent Psychiatry (AACAP) Standards.

7           7 New Subparagraph; Residential Care and Child Placing Agency Licensing; Compliance with  
8 Rules Relative to the Use of Psychotropic Medication in Children. Amend RSA 170-E:34, I by  
9 inserting after subparagraph (h) the following new subparagraph:

10                   (i) Compliance with RSA 126-U, regarding the use of physical and medication restraint.

11           8 New Paragraphs; Services for Children, Youth and Families; Definitions Added. Amend RSA  
12 170-G:1 by inserting after paragraph VII the following new paragraphs:

13           VIII. "Psychotropic medication" means a drug prescribed by a licensed medical practitioner,  
14 to treat illnesses that affect psychological functioning, perception, behavior, or mood.

15           IX. "Medication restraint" means the involuntary administration of any medication,  
16 including a psychotropic medication, for the purpose of immediate control of behavior.

17           9 New Paragraph; Duties of the Department of Health and Human Services; Medication  
18 Monitoring for Children in Foster Care Receiving Psychotropic Medication. Amend RSA 170-G:4 by  
19 inserting after paragraph XXII the following new paragraph:

20           XXIII. Ensure that division for children, youth and families (DCYF) district office nurses  
21 provide medication monitoring for children in foster care receiving psychotropic medication pursuant  
22 to current American Academy of Child and Adolescent Psychiatry (AACAP) Standards, which shall  
23 include providing relevant health education and guidance to caregivers and DCYF field staff, and  
24 that any use of medication restraint conforms with the limitations in RSA 126-U.

25           10 New Subparagraph; Confidentiality of Department Case Records; Access by Licensed Medical  
26 Practitioner. Amend RSA 170-G:8-a, II(b) by inserting after subparagraph (5) the following new  
27 subparagraph:

28                   (6) A licensed medical practitioner who is overseeing the use of psychotropic  
29 medication prescribed to the child.

30           11 New Paragraph; Foster Care Children's Bill of Rights. Amend RSA 170-G:21 by inserting  
31 after paragraph II the following new paragraph:

32                   II-a. To receive appropriate medical supervision of any prescribed psychotropic medications.

33           12 New Section; Assessment for the Use of Psychotropic Medications. Amend RSA 170-G by  
34 inserting after section 4-g the following new section:

35           170-G:4-h Assessment for the Use of Psychotropic Medications. For children in out-of-home care  
36 with the department, prior to seeking a prescription or renewal for psychotropic medication, the  
37 department shall ensure the undertaking of, and guidance from, a recent comprehensive medical

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1 assessment to rule out an underlying physical cause and a comprehensive psychosocial assessment  
2 to address psychosocial issues. The prescribing of any medication shall include consultation with the  
3 child's caregiver or legal guardian and the division for children, youth and families (DCYF) district  
4 nurse. The use of medication restraint shall be limited as provided in RSA 126-U.

5 13 Effective Date.

6 I. Section 12 of this act shall take effect January 1, 2023.

7 II. The remainder of this act shall take effect January 1, 2022.