



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 646

H.P. 476

House of Representatives, February 17, 2011

**An Act To Ensure the Safety of Children in the MaineCare Program
Who Are Prescribed Antipsychotic Medications**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative WELSH of Rockport.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: KRUGER of Thomaston, STRANG BURGESS of Cumberland, Senator:
RECTOR of Knox.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3174-QQ** is enacted to read:

3 **§3174-QQ. Antipsychotic medication for children**

4 Beginning January 1, 2012, the department shall provide coverage for antipsychotic
5 medication to a MaineCare member who is a child in accordance with this section.

6 **1. Approved treatment.** Antipsychotic medication may be provided to a
7 MaineCare member who is a child for a treatment that has been approved by the United
8 States Department of Health and Human Services, Food and Drug Administration, when
9 prescribed for a treatment approved by that agency. A health care provider who
10 prescribes an antipsychotic medication under this subsection shall document in the child's
11 health care record the child's diagnosis, the prescribed medication, dosage and length of
12 treatment and the regimen that the health care provider will follow to monitor the drug's
13 effectiveness and possible side effects.

14 **2. Off-label treatment.** Antipsychotic medication may be provided to a MaineCare
15 member who is a child for a treatment that has not been approved by the United States
16 Department of Health and Human Services, Food and Drug Administration, when
17 prescribed in accordance with this subsection. A health care provider who prescribes an
18 antipsychotic medication under this subsection shall document in the child's health care
19 record:

20 A. The child's clearly defined symptoms and diagnosis; the prescribed medication,
21 dosage and length of treatment; the treatment goals; and the use of behavioral
22 therapies, nonpharmacological interventions and other prescription medications; and

23 B. The regimen that the health care provider will follow to monitor effectiveness and
24 possible side effects, which must include a follow-up appointment within 3 months
25 and regular biannual or more frequent monitoring of the drug's effectiveness and
26 possible side effects and of the child's response to treatment.

27 **3. Rulemaking.** The department shall adopt rules to implement this section. Rules
28 adopted pursuant to this subsection are routine technical rules as defined by Title 5,
29 chapter 375, subchapter 2-A.

30 **SUMMARY**

31 This bill provides specific requirements for the provision of antipsychotic
32 medications to children in the MaineCare program. It provides for uses approved and for
33 uses not approved by the United States Department of Health and Human Services, Food
34 and Drug Administration. It provides for documentation in the child's health care record
35 and for monitoring for effectiveness and side effects. It directs the Department of Health
36 and Human Services to adopt routine technical rules to implement the new requirements.