

JAN 16 2002
HUMAN RESOURCES

HOUSE FILE 2046
BY BODDICKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to determinations of the need for a child's
2 treatment with a psychotropic drug under child in need of
3 assistance procedures and school policies.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2046

1 Section 1. Section 232.2, subsection 6, paragraph f, Code
2 Supplement 2001, is amended to read as follows:

3 f. Who is in need of treatment to cure or alleviate
4 serious mental illness or disorder, or emotional damage as
5 evidenced by severe anxiety, depression, withdrawal or
6 untoward aggressive behavior toward self or others and whose
7 parent, guardian, or custodian is unwilling or unable to
8 provide such treatment. A child's need for treatment with a
9 psychotropic drug shall only be determined by a physician
10 licensed under chapter 148 or 150A.

11 Sec. 2. NEW SECTION. 280.28 USE OF PSYCHOTROPIC DRUG.

12 The board of directors of each public school and the
13 authorities in charge of each nonpublic school shall adopt a
14 policy prohibiting a school employee from recommending that a
15 child be prescribed a psychotropic drug and the superintendent
16 of each public school shall adopt rules to implement the
17 policy. The policy and rules shall allow a school nurse, area
18 education agency specialist, or other school employee who is
19 professionally qualified to provide health care services, to
20 recommend that an appropriate physician licensed under chapter
21 148 or 150A evaluate a child's behavior and the efficacy of
22 prescribing a psychotropic drug. In addition, the policy and
23 rules shall allow a school employee who has received the
24 consent of a child's parent or guardian to consult with such a
25 physician.

26 EXPLANATION

27 This bill relates to determinations of the need for a
28 child's treatment with a psychotropic drug under child in need
29 of assistance procedures and school policies.

30 The child in need of assistance definition in Code section
31 232.2, involving a child who is need of treatment to cure or
32 alleviate a serious mental illness or disorder, or emotional
33 damage, is amended to provide that only a physician can
34 determine a child's need for treatment with a psychotropic
35 drug. The physician must be licensed under Code chapter 148,

1 relating to the practice of medicine and surgery, or Code
2 chapter 150A, relating to the practice of osteopathic medicine
3 and surgery.

4 New Code section 280.28 requires the board of directors of
5 each public school and the authorities in charge of each
6 nonpublic school to adopt a policy prohibiting a school
7 employee from recommending that a child use a psychotropic
8 drug. The superintendent of each public school is directed to
9 adopt rules to implement the policy. The policy and rules are
10 also to allow a school nurse, area education agency
11 specialist, or other school employee who is professionally
12 qualified to provide health care services, to recommend that
13 an appropriate physician licensed defined in under Code
14 chapter 148 or 150A evaluate a child's behavior and the
15 efficacy of prescribing a psychotropic drug. In addition, the
16 policy and rules are to allow a school employee who has
17 received the consent of a child's parent or guardian to
18 consult with such physician.

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