

FEB 13 2002
Place On Calendar

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HOUSE FILE 2318
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2046)

Passed House, ^(p. 524) Date 2/26/02 Passed Senate, Date _____
Vote: Ayes 97 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

HOUSE FILE 2318

H-8065

1 Amend House File 2318 as follows:
2 1. Page 1, by striking lines 21 through 26 and
3 inserting the following: "and rules shall prohibit
4 the school employee from suggesting that the child use
5 a specific prescription drug unless the school
6 employee is a health professional who is authorized by
7 law to prescribe the prescription drug. The policy
8 and".

By ATTEBERRY of Delaware

H-8065 FILED FEBRUARY 19, 2002

Adopted
2/26/02 (p. 524)

HF 2318

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 particular prescription drug shall be determined only by a
10 health professional who is authorized to prescribe the
11 prescription drug.

12 Sec. 2. NEW SECTION. 280.28 USE OF CERTAIN PRESCRIPTION
13 DRUGS.

14 The board of directors of each public school and the
15 authorities in charge of each nonpublic school shall adopt a
16 policy providing that a school employee's discussion of a
17 child's behavior with a child's parent or guardian may include
18 recommending an evaluation of the child by an appropriate
19 health professional and the superintendent of each public
20 school shall adopt rules to implement the policy. The policy
21 and rules shall prohibit the school employee from making a
22 diagnosis or suggesting a specific course of treatment,
23 including the child's use of a particular prescription drug,
24 unless the school employee is a health professional who is
25 authorized by law to make the diagnosis, suggest the course of
26 treatment, or prescribe the prescription drug. The policy and
27 rules shall allow a school employee who has received the
28 consent of the child's parent or guardian to consult with a
29 health professional providing care to the child.

30 Sec. 3. CHILD WELFARE TRAINING. The department of human
31 services, county attorneys, juvenile court services, and other
32 persons involved with the removal of children and child in
33 need of assistance proceedings shall revise the training of
34 such involved persons to ensure awareness of the requirements
35 of section 232.2, subsection 6, paragraph "f", as amended by

1 this Act.

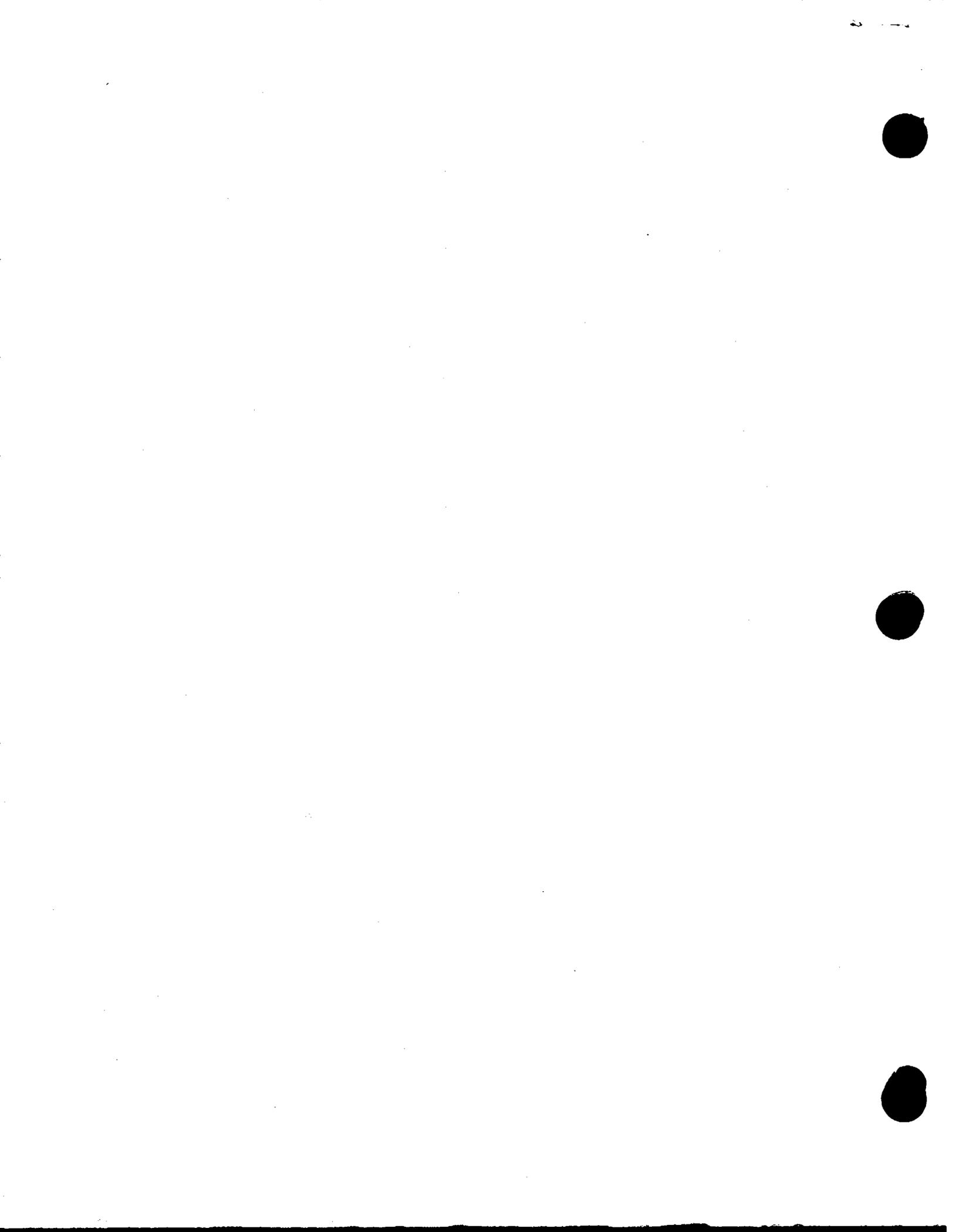
2 EXPLANATION

3 This bill relates to determinations of the need for a
4 child's treatment with certain prescription drugs under child
5 in need of assistance procedures and school policies.

6 The child in need of assistance definition in Code section
7 232.2, involving a child who is need of treatment to cure or
8 alleviate a serious mental illness or disorder, or emotional
9 damage, is amended to provide that only an authorized health
10 professional can determine a child's need for treatment with a
11 prescription drug.

12 New Code section 280.28 requires the board of directors of
13 each public school and the authorities in charge of each
14 nonpublic school to adopt a policy that a school employee's
15 discussion of a child's behavior with the child's parent or
16 guardian may include recommending evaluation of a child by a
17 health professional. The superintendent of each public school
18 is directed to adopt rules to implement the policy. The
19 policy and rules shall prohibit a school employee from making
20 a diagnosis or suggesting a particular course of treatment,
21 including the use of a particular prescription drug unless the
22 school employee is authorized as a health professional to do
23 so by law. In addition, the policy and rules are to allow a
24 school employee who has received the consent of a child's
25 parent or guardian to consult with a health professional
26 providing care to the child.

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HOUSE FILE 2318
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2046)

(As Amended and Passed by the House February 26, 2002)

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

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House Amendments _____

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33 of section 232.2, subsection 6, paragraph "f", as amended by
34 this Act.

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