

By Representative Fuller

1 A bill to be entitled
2 An act relating to drug abuse prevention and
3 control; creating s. 893.051, F.S.; providing
4 requirements for the prescription of a
5 controlled substance listed in Schedule II of
6 s. 893.03, F.S., to children; providing
7 definitions; requiring mental health
8 professionals and medical professionals to
9 obtain specified information prior to treating
10 a child with any Schedule II controlled
11 substance; requiring specified written parental
12 consent prior to treatment; specifying contents
13 of consent form; requiring that specified
14 information be provided to a child's parent or
15 guardian; requiring monthly evaluation of a
16 child treated by prescription with a Schedule
17 II controlled substance; requiring renewal of
18 approval to continue treatment; providing an
19 effective date.

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21 WHEREAS, the Legislature finds that a substance abuse
22 impairment means a condition involving the use of any
23 psychoactive or mood-altering substance in such a manner as to
24 induce mental, emotional, or physical problems and cause
25 socially dysfunctional behavior, and

26 WHEREAS, such psychoactive or mood-altering substances
27 have been prescribed by mental health professionals and
28 medical professionals for the treatment of children without
29 the written permission of their parents or guardian and
30 without the parents or guardian being advised or informed of
31 the side effects of these substances, including any warnings,

1 precautions, potential adverse reactions, and specifications
2 regarding overdosing as clearly set forth in the Physician's
3 Desk Reference and numerous other publications, and

4 WHEREAS, all Schedule II controlled substances as
5 specified in s. 893.03, Florida Statutes, have a high
6 potential for abuse and should be severely restricted in this
7 state for use in the treatment of health problems among
8 children, and

9 WHEREAS, before any mental health professional or
10 medical professional prescribes any Schedule II controlled
11 substance for use by a child, the mental health professional
12 or medical professional should obtain written approval from
13 the child's regular pediatrician or family doctor, certifying
14 that the child is physically healthy and should experience no
15 adverse side effects from the administration of the Schedule
16 II controlled substance, and

17 WHEREAS, before any mental health professional or
18 medical professional prescribes any Schedule II controlled
19 substance for use by a child, the mental health professional
20 or medical professional should obtain the permission of the
21 parents or guardian or, if none is available, of the
22 court-appointed guardian ad litem in the county of the child's
23 residence, and

24 WHEREAS, mental health professionals and medical
25 professionals should maintain prescription and use records of
26 any Schedule II controlled substances, including identifying
27 numbers, drug dosage, and product information required to
28 evaluate the effects of treatment of a child with a Schedule
29 II controlled substance during each month that the treatment
30 continues, and once every two months thereafter for a period
31 of not less than six months, and

1 WHEREAS, because it is in the best interest of a child
2 to ensure that the child's physical health is maintained and
3 that the child is not experiencing any adverse side effects as
4 the result of treatment with a Schedule II controlled
5 substance, a child receiving treatment with a Schedule II
6 controlled substance should be reexamined by his family
7 pediatrician or family physician at least once every six
8 months during treatment, and written approval to continue such
9 treatment should be obtained prior to the continuation of any
10 treatment with a Schedule II controlled substance, and

11 WHEREAS, parents, guardians, and families should be
12 adequately informed of the special needs of their children
13 with regard to any drugs prescribed for treatment and should
14 participate actively in the professional management of their
15 children's therapy, NOW, THEREFORE,

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 893.051, Florida Statutes, is
20 created to read:

21 893.051 Requirements for the prescription of Schedule
22 II controlled substances to children.--

23 (1) For purposes of this section, the following terms
24 shall have the following meanings:

25 (a) "Administration" means the obtaining and giving of
26 a single dose of a Schedule II controlled substance by a
27 medical professional or mental health professional to a child
28 for his consumption.

29 (b) "Child" means any person under the age of 18
30 years.

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1 (c) "Medical professional" means any practitioner, as
2 defined in s. 893.02, who is authorized by the laws of the
3 state to provide a written or oral prescription for a
4 controlled substance listed in Schedule II of s. 893.03 for
5 the medical treatment of a child.

6 (d) "Mental health professional" means any
7 psychiatrist or physician as defined in s. 394.455, or any
8 licensed mental health practitioner, who is authorized by the
9 laws of the state to provide a written or oral prescription
10 for a controlled substance listed in Schedule II of s. 893.03
11 for the mental health treatment of a child.

12 (e) "Schedule II controlled substance" means any
13 controlled substance listed in Schedule II of s. 893.03.

14 (f) "Prescription" has the same meaning as provided in
15 s. 893.02(19).

16 (2) Each mental health professional or medical
17 professional, prior to treating a child by prescribing or
18 administering any controlled substance specified in Schedule
19 II of s. 893.03, shall obtain and have in his or her
20 possession:

21 (a) A copy of the results of a complete physical
22 examination of the child to whom a Schedule II controlled
23 substance is being prescribed, prepared by the child's regular
24 pediatrician or family physician, and dated within the last 30
25 days, demonstrating that the child is in good physical health.

26 (b) Written approval from the child's pediatrician or
27 family physician that the proposed treatment of the child by
28 the prescribing or administering of a specified Schedule II
29 controlled substance should not adversely affect the physical
30 health of the child.

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1 (c) Written consent to the child's treatment with a
2 Schedule II controlled substance from the child's parents or
3 guardian, which shall include an acknowledgment by the parents
4 or guardian of the child that they have received, read, and
5 understand the consent form. The consent form shall be in
6 readable language and print on a form prescribed by the
7 Department of Business and Professional Regulation.

8 (3) Each mental health professional and medical
9 professional, prior to treating a child by prescribing or
10 administering any controlled substance specified in Schedule
11 II of s. 893.03, shall provide in writing to the parents or
12 guardian of the child, and to the child if the child is over
13 12 years of age, the following information:

14 (a) A copy of the product information for the Schedule
15 II controlled substance which the mental health professional
16 or medical professional proposes to prescribe or administer in
17 the treatment of the child, advising that such product
18 information be read thoroughly. Such product information shall
19 include any warnings regarding the use or misuse of the
20 controlled substance, precautions to be taken during use,
21 possible adverse reactions to the controlled substance, and
22 any overdosing information, as stated in the Physician's Desk
23 Reference.

24 (b) A form notifying the parents or guardian that
25 consent for treatment may be revoked by the parents or
26 guardian at any time by providing 1 hour's notice to the
27 mental health professional or medical professional treating
28 the child.

29 (c) The following identification data:

30 1. The child's name, sex, date of birth, grade in
31 school, current address, and county of residence.

1 2. The parent's or guardian's name, address, telephone
2 number, and county of residence.

3 3. A copy of the signed consent form and
4 acknowledgment that the parents or guardian have received,
5 read, and understand the consent form.

6 4. The mental health professional's or medical
7 professional's name, occupational license number, the name of
8 his or her practice, any applicable federal controlled
9 substance registry number, and the mental health
10 professional's or medical professional's home address, home
11 telephone number, and county of residence.

12 5. The dosage, strength, and quantity of the Schedule
13 II controlled substance which the mental health professional
14 or medical professional proposes to prescribe or administer in
15 the treatment of the child.

16 (4) Upon the issuance of a prescription for, or the
17 administration of, a Schedule II controlled substance by a
18 mental health professional or medical professional for the
19 treatment of a child, the mental health professional or
20 medical professional shall provide in writing to the parents
21 or guardian of the child, and to the child if the child is
22 over 12 years of age, the following information:

23 (a) The dosage, strength, and quantity of the Schedule
24 II controlled substance prescribed or administered.

25 (b) The date on which the prescription was issued and
26 the date of expiration of the prescription or, if no
27 prescription was issued, the date on which the Schedule II
28 controlled substance was administered.

29 (5) The effects of any treatment of a child with a
30 Schedule II controlled substance shall be evaluated within 30
31 days of the commencement of the prescription for the Schedule

1 II controlled substance by the mental health professional or
2 medical professional prescribing the Schedule II controlled
3 substance, or within 30 days of the administration of a
4 Schedule II controlled substance in instances of treatment
5 where a Schedule II controlled substance is administered but
6 no prescription is issued. Within 6 months after the
7 commencement of the treatment of a child by a medical
8 professional or mental health professional with a Schedule II
9 controlled substance, a new physical examination by the
10 child's pediatrician or family physician shall be completed,
11 and a new approval to continue treatment shall be obtained
12 prior to continuation of any treatment with a Schedule II
13 controlled substance. Accurate records shall be maintained as
14 required for Schedule II controlled substances in ss. 893.04
15 and 893.07.

16 (6) Medication records of children undergoing
17 treatment with a Schedule II controlled substance as provided
18 in this section shall be made available to school officials of
19 the child's school of attendance only with the consent of the
20 child's parents or guardian.

21 Section 2. This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Creates s. 893.051, F.S., to provide requirements for the prescription of controlled substances listed in Schedule II of chapter 893, Florida Statutes, to children.

Requires mental health professionals and medical professionals, prior to treating a child with any Schedule II controlled substance, to obtain:

1. The results of a recent, complete physical examination from the child's family physician demonstrating good physical health.

2. Written approval from the child's pediatrician or family physician that the administration of the Schedule II controlled substance should not adversely affect the physical health of the child.

3. Written consent of the child's parents or guardian.

Requires that the medical professional or mental health professional prescribing a Schedule II controlled substance to a child shall provide in writing to the parents or guardian, and to the child if the child is over 12 years of age:

1. A copy of the product information for the Schedule II controlled substance prescribed or administered, including all warnings, precautions, advisement of possible adverse reactions, and overdosing information.

2. A form indicating that consent for treatment may be revoked by the parents or guardian at any time with 1 hour's notice to the mental health professional or medical professional.

3. Specific identification data relative to the prescribed Schedule II controlled substance, the prescriber, and the child being treated.

Requires monthly evaluation by the prescribing mental health professional or medical professional of any child being treated by prescription of a Schedule II controlled substance. Requires a new physical examination by the child's pediatrician or family physician and renewed parental and medical approval for the continuation of treatment with any Schedule II controlled substance after 6 months have elapsed.

Provides that a child's medication record can only be made available to school officials with the parent's or guardian's consent.