

65C-28.016 Psychotropic Medications

(1) Behavioral health services shall be provided to children in out-of-home care as a need is identified through a behavioral health assessment. These services may include the provision of psychotropic medications as ordered by the child's prescribing physician. The department and contracted service providers shall comply with the requirements of Section 39.407(3), F.S., and the Florida Rules of Juvenile Procedure 8.255 whenever a child is considered for evaluation for psychotropic medications.

(2) The "Psychotropic Medication Treatment Plan" CF-FSP 5291, October 2005, incorporated by reference, will be used to document express and informed consent from the child's parent or legal guardian provided to the prescribing physician.

(3) The department or contracted service provider shall establish operating procedures to ensure that any use of psychotropic medications is individualized, monitored and informed.

(4) The following steps, at a minimum, shall be taken to facilitate the proper provision of express and informed consent of parents or guardians to the prescribing physician or to obtain court orders, when needed, to authorize the department to provide psychotropic medications to children in out-of-home care. Express and Informed consent is defined in Section 394.455(9), F.S., and described in Section 394.459(3), F.S.

(a) To facilitate express and informed consent, the Services Worker shall:

1. Attempt to contact a parent or guardian by phone as soon as feasibly possible upon learning of the recommendation for psychotropic medications by a prescribing physician.

2. Send all written information concerning the prescription to the parent's last known address.

3. Document all phone calls and written communication to the child's parent or legal guardian to ensure parental awareness of the need to provide express and informed consent for the prescription of psychotropic medications.

4. Facilitate transportation arrangements to appointments and/or telephone calls between the child's parent and the prescribing physician.

(b) When express and informed consent cannot be obtained from the child's parents, the case worker shall submit to Child Welfare Legal Services a request for court authorization to provide psychotropic medications within 12 working hours of receipt of the prescription from the prescribing physician. This request shall be accompanied by all other required documentation including:

1. The "Psychotropic Medication Treatment Plan", CE-FSP 5291, as the physicians signed medical report as required by Section 39.407(3)(c), F.S.

2. A report generated by the Services Worker delineating:

a. The efforts made by the Services Worker to help the physician obtain express and informed consent from the child's parents, and

b. Other treatments considered or recommended for the child.

(5) All Judicial Review Social Study Reports (JRSSR) will include documentation of the effectiveness of all psychotropic medications and any medication changes not otherwise reported.

(6) Unless the parental rights have been terminated, the child's parents must be notified of all treatment team meetings. The child's Case Manager will ensure that meetings are held when the child's parents can attend and facilitate their attendance.

(7) The child's Services Worker will ensure that any other behavioral health services that are identified in behavioral health assessments have been integrated into the child's case plan and treatment plan.

(8) In cases where a Medicaid targeted Case Manager has been assigned to a child, they may assist the child's Services Worker in functions listed above.

Specific Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History--New 5-4-06.