

Introduced by Senators Haynes and OllerJanuary 24, 2001

An act to add Section 725.5 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 119, as introduced, Haynes. Healing arts: prescribing psychiatric medications for minors.

Existing law regulates the practices of healing arts licentiates and designates as unprofessional conduct certain acts committed by these licentiates, including those related to the violation of laws and regulations pertaining to prescription drugs. Under existing law, unprofessional conduct by licentiates is subject both to disciplinary action by the board that licensed the practitioner and to punishment as a crime in certain instances.

This bill would require a physician and surgeon, dentist, optometrist, or podiatrist before prescribing a psychiatric medication, as defined, for a minor to obtain informed consent, as specified, from the minor's parent or legal guardian and confirm that the minor has been examined by a pediatrician to eliminate the possibility that the minor's condition is the result of a physical condition. The bill would additionally require these licentiates to provide the minor's parent or legal guardian with a list of all of the minor's medications to submit when the prescription is dispensed. The bill would make the licentiate's failure to comply with any of these requirements unprofessional conduct.

Because the violation by a physician and surgeon or by a podiatrist of any law regulating dangerous drugs constitutes a crime, this bill would expand the scope of an existing crime by proscribing additional



conduct pertaining to dangerous drugs, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 725.5 is added to the Business and
- 2 Professions Code, to read:
- 3 725.5. (a) The following definitions apply for the purposes of
- 4 this section:
- 5 (1) "Legal guardian" means a person who has been appointed
- 6 the minor's guardian by a court of competent jurisdiction.
- 7 (2) "Licentiate" means a physician and surgeon, dentist,
- 8 optometrist, or podiatrist.
- 9 (3) "Minor" means a person under the age of 18 years who is
- 10 not married and has not been declared emancipated by a court of
- 11 law.
- 12 (4) "Parent" means the natural or adoptive parent of the minor.
- 13 (5) "Psychiatric medication" means any of the following types
- 14 of drugs:
- 15 (A) Anticonvulsants, including, but not limited to,
- 16 carbamazepine and divalproex sodium.
- 17 (B) Antidepressants, including, but not limited to, doxepin,
- 18 lithium, floxetine, fluvoxamine, paroxatine, sertraiiline,
- 19 venlafaxine, nefazodone, clomipramine, buproprion,
- 20 amitriptyline, protriptyline, imipramine, and buspirone.
- 21 (C) Benodiazepines, including, but not limited to,
- 22 methylphenidate, dextroamphetamine, and pemoline.
- 23 (D) Neuroleptics, including, but not limited to,
- 24 chlorpromazine, triflupromazine, thioridazine, perphenazine,
- 25 prochlorperazine, fiophenazine, thiothixene, haloperidol,
- 26 loxapine, clozapine, and resperadone.



1 (b) Before prescribing a psychiatric medication for a minor, a
2 licentiate shall complete each of the following acts:

3 (1) Confirm that the minor has received a physical examination
4 by a pediatrician chosen by the minor’s parent or legal guardian to
5 eliminate the possibility that the minor’s current condition is the
6 result of an adverse or untreated physical condition.

7 (2) Confirm that any adverse or untreated physical condition
8 detected by the physical examination has been treated.

9 (3) Fully explain to the minor’s parent or legal guardian the
10 nature of any psychiatric medication that the licentiate intends to
11 prescribe for the minor, including all possible side effects caused
12 by the psychiatric medication.

13 (4) Obtain written, informed consent signed by the minor’s
14 parent or legal guardian, acknowledging that the parent or legal
15 guardian has given consent for the prescription of the psychiatric
16 medication for the minor and that the requirements of paragraphs
17 (1) to (3), inclusive, have been satisfied.

18 (c) A licentiate who prescribes a psychiatric medication for a
19 minor shall provide the minor’s parent or legal guardian a list of
20 all medications the minor is currently taking to submit when the
21 prescription is submitted for dispensing.

22 (d) The licentiate shall submit to the California State Board of
23 Pharmacy a list of all psychiatric medications he or she has
24 prescribed for each minor. The board shall track the number and
25 kind of psychiatric medications prescribed for minors in the state
26 to ensure that reliable figures are available on an ongoing basis for
27 use by the Legislature and other state entities.

28 (e) The failure of a licentiate to comply with any of the
29 requirements of subdivisions (b) and (c) constitutes
30 unprofessional conduct and grounds for disciplinary action against
31 the licentiate by his or her licensing board.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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