

SUBJECT: Study of giving certain drugs to Medicaid patients less than age 16

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Kolkhorst, Naishtat, Gonzales, Hopson, S. King, Laubenberg,
McReynolds, Zerwas

0 nays

3 absent — Coleman, J. Davis, Truitt

WITNESSES: (*On original bill:*)

For — Joshua Boydston, Texas Family Support Services; John Breeding, Texans for Safe Education; Lauren DeWitt, Citizen Commission on Human Rights; Moira Dolan, Medical Accountability Network; Cody Egan; James O'Donnell; Amy Philo, Children and Adults Against Drugging America; Judy Powell, Parent Guidance Center; Duane Sherry; Lee Spiller, Citizens Commission on Human Rights; Krenie Stowe; Marcelo Tafoya, League of Latin American Citizens; (*Registered, but did not testify:* Catherine Balken; Donald Brauninger; Sarah Brauninger; David Cottle; Krisha Crosley; Cheryl Doty; Jon Ellzey, United for Human Rights Texas; Candace Fischer; Jesse Garcia; Shannon Gow; Jana Jernigan; Gwen Johnson, Texas Health Freedom Coalition; Cambrey Lindsay, Texas Family Support Services; Bee Moorhead, Texas Impact; Johana Scot, Parent Guidance Center; Hege Shahan, Camelot Community Care; Claudia Smith)

Against — Steve Bresnen, Federation of Texas Psychiatry; George Santos, Federation of Texas Psychiatry, Texas Society of Psychiatric Physicians, Texas Medical Society, Texas Society of Child/Adolescent Psychiatry; (*Registered, but did not testify:* Christine Bryan, Southwest Mental Health Center; Merily Keller; Carrie Kroll, Texas Pediatric Society; Joe Lovelace, Texas Council of Community Mental Health and Mental Retardation Centers; Robin Peyson, National Alliance on Mental Illness Texas; Josette Saxton, Texans Care for Children; Gyl Wadge, Mental Health America of Texas)

On — Brigitte Bailey; Charles Bell, Health and Human Services Commission; Cynthia O'Keeffe and Jeff Rose, Office of the Attorney

General; James Rogers, Department of Family and Protective Services;
(*Registered, but did not testify*: Nina Jo Muse, Department of State Health Services)

BACKGROUND: Antipsychotic and neuroleptic drugs must receive approval by the U.S. Food and Drug Administration (FDA) to be used for the treatment of mental health issues. The FDA-approved label is the official description of a drug product, and it includes what the drug is used for, who should take it, side effects, and other information. Drugs for which the drug label only indicates for use by adults may be prescribed “off-label” for children at the discretion of the prescribing doctor.

DIGEST: CSHB 2163 would require the Health and Human Services Commission (HHSC) to conduct a study to determine the appropriateness and safety of providing antipsychotic or neuroleptic drugs to Children’s Medicaid patients who were less than 16 years old. The study would consider:

- the child’s physical and psychological diagnoses;
- whether the U.S. Food and Drug Administration (FDA) had approved the medication for use by a child of the patient’s age; and
- whether the child had successfully taken a medication previously.

By November 10, 2010, HHSC would submit a report regarding the results of the study to the required Texas state and legislative officials.

The bill would take effect September 1, 2009.

SUPPORTERS SAY: CSHB 2163 would provide valuable data about the prescribing of antipsychotic and neuroleptic medications for Children’s Medicaid patients. Antipsychotic and neuroleptic medications are strong drugs that have had deadly side-effects in certain instances of off-label use. The Office of Inspector General for health and human services programs issued a report in 2004 that raised concerns that psychotropic medications were over-prescribed to Texas foster children. Many other entities also have raised concerns about overuse of these medications in the larger child-patient population. CSHB 2163 would require HHSC to conduct a study that would indicate for which diagnoses antipsychotic and neuroleptic medications were being prescribed and how many of these prescriptions were FDA-approved for use by a child of the patient’s age.

The committee substitute for HB 2163 addresses the concerns of opponents of the version of the bill as filed, which would have required HHSC to authorize the provision of antipsychotic or neuroleptic drugs to Medicaid patients less than 11 years old. Such an authorization process would have adversely affected the quality of care for certain Children's Medicaid patients when many prescriptions for psychotropic medication are appropriate for children with severe mental health problems. The process would have been cumbersome to HHSC and doctors, would have slowed the provision of necessary medication to many patients, and would have cast doubt on the prescribing practices of many competent medical practitioners. The substitute instead would require a study of the appropriateness and safety of providing these drugs to Children's Medicaid patients under age 16.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The filed version of HB 2163 would have prohibited provision through the Medicaid vendor drug program of antipsychotic or neuroleptic drugs to a Medicaid patient less than 11 years old unless HHSC had authorized the medication.