



Technical Bulletin

Date: September 28, 2018

Topic: Compliance with NRS 432B.4687, 432B.4688 and 432B.4689 – Administration of psychotropic medications to children

Contact: Nevada Division of Child and Family Services, Clark County Department of Family Services, or Washoe County Human Services Agency

To: All child care facilities and institutions, psychiatric hospitals, and residential facilities for the treatment of abuse of alcohol or drugs who care for children in the custody of an agency which provides child welfare services

This technical bulletin was generated to ensure your facility is aware of the requirement to comply with Nevada Revised Statutes (NRS) [432B.4687](#), [432B.4688](#) and [432B.4689](#) including:

1) Ensuring, except as otherwise provided in [NRS 432B.4689](#), that the facility obtain written consent from the person legally responsible (PLR) for the psychiatric care of the child prior to administering psychotropic medication to a child in the custody of a child welfare services agency. In accordance with [NRS 432B.4687](#), the written consent from the PLR must include:

- The name of the child;
- The name, address and telephone number of the PLR;
- The name, purpose and expected time frame for improvement for each medication;
- The dosage, times of administration and, if applicable, the number of units at each administration of the medication;
- The duration of the course of treatment for the administration of the medication;
- A description of the possible risks, side-effects, interactions with other medications or foods, and complications of the medication; and
- If applicable, the specific authorization required by subsection 4 of [NRS 432B.4687](#).

2) Ensuring the psychotropic medication is administered in accordance with the consent of the PLR.

3) Ensuring all substitute caregivers are immediately provided with copies of written consents, denial of consent, or withdrawal of consent.

4) Ensuring your facility has adequate policies, procedures, and processes to prevent the administration of psychotropic medications without the proper written consent; for carrying out the provisions of [NRS 432B.4689](#) if a psychotropic medication is administered to a child without first obtaining consent from a person who is legally responsible for the psychiatric care of the child; and to administer psychotropic medications in accordance with the instructions on the written consent.

If you have any questions regarding the content of this technical bulletin, please contact the child welfare services agency that has custody of the child in your facility or the agency servicing your area, as applicable.

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Signed:  Date: 10-9-18
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REFERENCES

NRS 432B.4687 Considerations for approval of administration of psychotropic medication to child; written consent for administration of such medication or notice of denial; other required approval.

1. A person who is legally responsible for the psychiatric care of a child who is in the custody of an agency which provides child welfare services shall approve or deny the administration of a psychotropic medication to the child:

- (a) After considering the purpose, benefits, risks, alternatives, side effects and complications of each psychotropic medication recommended by the person professionally qualified in the field of psychiatric mental health who treats the child;
- (b) After considering any additional information provided by the person professionally qualified in the field of psychiatric mental health who treats the child;
- (c) After considering the possible clinical indications to suspend or terminate the psychotropic medication and the potential consequences of such an action; and
- (d) In accordance with the policies adopted by the agency which provides child welfare services pursuant to [NRS 432B.197](#).

2. If a person who is legally responsible for the psychiatric care of a child:

(a) Approves the administration of a psychotropic medication to the child, the person shall provide written consent to the person professionally qualified in the field of psychiatric mental health, the agency which provides child welfare services and the foster parent or other provider of substitute care for the child for the administration of the psychotropic medication. The written consent must include:

- (1) The name of the child;
 - (2) The name, address and telephone number of the person who is legally responsible for the psychiatric care of the child;
 - (3) The name, purpose and expected time frame for improvement for each medication;
 - (4) The dosage, times of administration and, if applicable, the number of units at each administration of the medication which may be administered to the child;
 - (5) The duration of the course of treatment for the administration of the medication;
 - (6) A description of the possible risks, side effects interactions with other medications or foods, and complications of the medication; and
 - (7) If applicable, the specific authorization required by subsection 4.
- (b) Denies the administration of a psychotropic medication to the child, the person shall provide written notice of the denial to the agency which provides child welfare services.

3. Except as otherwise provided in [NRS 432B.4689](#), the foster parent or other provider of substitute care for a child in the custody of an agency which provides child welfare services shall not administer a psychotropic medication to the child unless:

(a) The person who is legally responsible for the psychiatric care of the child has consented to the administration of the medication; and

(b) The psychotropic medication is administered in accordance with the consent of the person who is legally responsible for the psychiatric care of the child.

4. The person who is legally responsible for the psychiatric care of a child must, in addition to providing written consent for the administration of a psychotropic medication, specifically approve:

(a) The use of psychotropic medication in a manner that has not been tested or approved by the United States Food and Drug Administration, including, without limitation, the use of such medication for a child who is of an age that has not been tested or approved or who has a condition for which the use of the medication has not been tested or approved;

(b) The prescribing of any psychotropic medication for use by a child who is less than 4 years of age;

(c) The concurrent use by a child of three or more classes of psychotropic medication; and

(d) The concurrent use by a child of two psychotropic medications of the same class.

NRS 432B.4688 Administration of psychotropic medication to child allowed only in accordance with consent; quarterly review of records of child.

1. Except as otherwise provided in [NRS 432B.4689](#), an agency which provides child welfare services shall not allow the administration of a psychotropic medication to a child in the custody of the agency unless:

(a) The person who is legally responsible for the psychiatric care of the child has consented to the administration of the medication; and

(b) The psychotropic medication is administered in accordance with the consent of the person who is legally responsible for the psychiatric care of the child.

2. An agency which provides child welfare services shall, at least quarterly, review the records for each child in the custody of the agency who is administered a psychotropic medication to determine whether the medication is being administered in accordance with [NRS 432B.4681](#) to [432B.469](#), inclusive, and the policies adopted pursuant to [NRS 432B.197](#). The agency may use the results of the quarterly reviews to determine whether the placement of the child should be continued.

NRS 432B.4689 Administration of psychotropic medication without consent authorized under certain circumstances.

1. An agency which provides child welfare services may allow the administration of, and a foster parent or other provider of substitute care for a child in the custody of an agency which provides child welfare services may administer, a psychotropic medication to a child without obtaining consent from a person who is legally responsible for the psychiatric care of the child if:

(a) The child has a prescription for a psychotropic medication upon entering the custody of the agency and the agency continues administering the psychotropic medication in accordance with that prescription; or

(b) A physician determines that an emergency exists which requires the immediate administration of a psychotropic medication before consent may be obtained from the person who is legally responsible for the psychiatric care of the child. The agency which provides child welfare services shall obtain documentation, which may include an incident report or other documentation which demonstrates that an emergency existed, regarding the circumstances surrounding the administration of the psychotropic medication.

2. If a psychotropic medication is administered pursuant to this section, the agency which provides child welfare services shall take reasonable efforts, as soon as practicable, to notify the parent or legal guardian of the child and the person who is legally responsible for the psychiatric care of the child of the administration of the psychotropic medication.