

1 *House* BILL NO. 647
2 INTRODUCED BY *Dulger*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING APPLICATION
5 OF WEEKLY MEDICATION REVIEW IN RESIDENTIAL MENTAL HEALTH
6 FACILITIES; AND AMENDING SECTION 53-21-145, MCA."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 53-21-145, MCA, is amended to read:

10 "53-21-145. Right to be free from unnecessary or
11 excessive medication. Patients have a right to be free from
12 unnecessary or excessive medication. No medication shall be
13 administered unless at the written order of a physician. The
14 attending physician shall be responsible for all medication
15 given or administered to a patient. The use of medication
16 shall not exceed standards of use that are advocated by the
17 United States food and drug administration. Notation of each
18 individual's medication shall be kept in his medical
19 records. At least weekly, an attending physician shall
20 review the drug regimen of each patient under his care in a
21 residential mental health facility. Except in the case of
22 outpatients, all prescriptions shall be written with a
23 termination date, which shall not exceed 30 days. Medication
24 shall not be used as punishment, for the convenience of
25 staff, as a substitute for a treatment program, or in

1 quantities that interfere with the patient's treatment
2 program."

-End-



APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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 22 AND ENVIRONMENTAL SCIENCES SHALL ADOPT RULES GOVERNING
 23 ATTENDING PHYSICIAN REVIEW OF THE DRUG REGIMEN OF EACH
 24 PATIENT UNDER HIS CARE IN A MENTAL HEALTH FACILITY, EXCEPT
 25 THAT THE DRUG REGIMEN OF INPATIENTS IN HOSPITALS SHALL BE

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 3 termination date, which shall not exceed 30 days. Medication
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 6 quantities that interfere with the patient's treatment
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 8 NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY
 9 EXISTING AUTHORITY OF THE DEPARTMENT OF HEALTH AND
 10 ENVIRONMENTAL SCIENCES TO MAKE RULES ON THE SUBJECT OF THE
 11 PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS
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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING APPLICATION OF WEEKLY MEDICATION REVIEW IN RESIDENTIAL MENTAL HEALTH FACILITIES; AND AMENDING SECTION 53-21-145, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-21-145, MCA, is amended to read:
"53-21-145. Right to be free from unnecessary or excessive medication. Patients have a right to be free from unnecessary or excessive medication. No medication shall be administered unless at the written order of a physician. The attending physician shall be responsible for all medication given or administered to a patient. The use of medication shall not exceed standards of use that are advocated by the United States food and drug administration. Notation of each individual's medication shall be kept in his medical records. ~~At least weekly, an attending physician shall review the drug regimen of each patient under his care in a residential mental health facility.~~ THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SHALL ADOPT RULES GOVERNING ATTENDING PHYSICIAN REVIEW OF THE DRUG REGIMEN OF EACH PATIENT UNDER HIS CARE IN A MENTAL HEALTH FACILITY, EXCEPT THAT THE DRUG REGIMEN OF INPATIENTS IN HOSPITALS SHALL BE

REVIEWED NO LESS THAN WEEKLY. Except in the case of outpatients, all prescriptions shall be written with a termination date, which shall not exceed 30 days. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program."

NEW SECTION. SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

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