



June 1, 2015

The Honorable Holly Mitchell
State Capitol Building, Room 5066
Sacramento, CA 95814

RE: SUPPORT SB 238 (Mitchell) — Psychotropic Drugs in Foster Homes

Dear Senator Mitchell,

Consumer Watchdog supports SB 238. California foster children are prescribed astonishing amounts of psychotropic medications. These psychotropic medications include antipsychotics that have debilitating affects on children including crippling sedation, rapid, significant weight gain, diabetes, metabolic disturbance, heart disease, irreversible tremors, and other conditions which impact their health even as adults. The current systems for overseeing the appropriate use and monitoring of these drugs being given to our most vulnerable children are failing, and this bill is a step toward remedying this.

SB 238 will establish training, data reporting, and alert systems; it will identify risky practices; and it will alert counties so that they can act to reduce dangerous prescribing practices. It strengthens the oversight responsibilities of judges, county welfare agencies, and others. The bill specifies that monthly reports be distributed to counties, which then can share the reports securely to ensure that each child's physical, mental, dental, and developmental needs are met and that public health nurses have access to the child's medical and mental health information. The bill also improves the information provided to judges. Finally, the bill provides for training the caregivers and professionals who are responsible for the well-being of our foster children.

Federal law encourages states to provide trauma-informed services and care, but California does not collect data to determine whether children are receiving this appropriate care. Despite guidelines from the American Academy of Child and Adolescent Psychiatry and the American Diabetes Association, very few foster children receive basic metabolic testing, other therapeutic interventions and supports, or information about the medications they are being prescribed. Caregivers and foster children often know little about the medications and turn to unreliable sources for information.

The bill also improves the information provided to judges. Finally, the bill provides for training the caregivers and professionals who are responsible for the well-being of our foster children. While we believe that additional legislation is needed, we believe that SB 238 is an important step forward in ending this crisis.

Unfortunately, an important gap remains. State agencies collect data that would reveal inappropriate prescribing patterns by physicians. The Department of Health Care Services and the Department of Social Services should disclose which doctors are prescribing to foster youth, how many prescriptions they wrote, the type, quantity and dosage of those prescriptions and year-to-year prescribing trends.

In addition, certain payments to doctors from pharmaceutical companies should be banned. A Bay Area News Group report revealed that drug manufacturers paid or spent more than \$14 million to doctors who prescribe drugs in the foster care system.

The public has a right to know what doctors are prescribing and if they received money from the manufacturers of favored prescriptions. Follow-up legislation should require the collection and review of data regarding the prescribing of psychotropic medications to foster children. Until payments by pharmaceutical drug makers to doctors are banned, someone must have the full picture on payments and prescriptions to determine if undue influence over doctors' prescribing habits is placing the health of foster children at risk. These children deserve better than what the system is giving them now.

Of those foster children administered psychotropic drugs in California, 52 percent are given one or more antipsychotics – a drug class with few FDA-approved indications for children and adolescents. According to the Quality Improvement Project, during fiscal year 2012-13, there were 104,688 pharmacy claim records for 12,025 children who received a paid claim for psychotropic medication. That's nearly nine prescriptions per foster child in a single year.

For these reasons, Consumer Watchdog supports SB 238. Given the troubling lack of data and conflicts of interest that appear to exist for some foster care physicians, we urge you to also demand more information about physicians' prescribing habits, and to support a ban on financial ties between pharmaceutical companies and doctors who treat foster youth.

Sincerely,

A handwritten signature in black ink that reads "Carmen Balber". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Carmen Balber
Executive Director