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Thursday, January 18, 2007

### Medical recommendations for children legislation approved by committee

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**NATHAN JOHNSON** - Daily Herald

Two years ago it was vetoed by the governor. Last year the Senate never considered it. The bill's back again this year, and it made it through a House committee Wednesday.

In a 7-2 vote, with two committee members absent, a bill that would ban school personnel from making mental health recommendations for children, including the use of psychotropic medications, passed out of a House committee and to the House floor for a vote. The bill would allow teachers to refer a student to school counselors or other mental health professionals within the school who would be allowed to make such recommendations. Recommendations of school mental health professionals would remain recommendations, never requirements.

Rep. Mike Morley, R-Spanish Fork and the bill's sponsor, says the bill will help teachers discuss health, behavioral and social concerns about students with parents. But health professionals and the Utah PTA say the bill will do the opposite.

Those against the legislation say the bill is redundant because there are already rules governing this practice and would serve to scare teachers from talking to parents.

"We are taking it from rules to law, and the concern that we have is that now that it is going to be a law, the teachers are going to be less likely to talk to the parents, even though it is in here (the bill)," said Ronda Rose, vice president of the Utah PTA.

Morley said the current rules are confusing for teachers, leaving ambiguity between what they can discuss with parents. He also said that he has worked with the Governor's office to create a bill that Gov. Jon Huntsman Jr. will support.

He said the bill will give clarity to teachers as to what they can say to parents when it comes to concerns about their child's mental health. The goal of the bill, Morley said, is to clarify what, "communication that a teacher and parent can have and how a teacher might also approach other concerns that they have about a child. That might include mental health issues."

The bill would also prohibit the state from removing a child from



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parental custody based on the parents' refusal to give the child psychotropic medication; and forbid schools to require a student to take a psychotropic medication in order to attend school.

Rose said the Utah PTA is concerned about the singling out of psychotropic medication in the bill, as opposed to medications in general. Currently, the state board of education Rule 277 bans requiring a student to take any medication as a condition for attending school. Under the current rule, Rose said, "our children and our families are actually more protected than they would be under the law which has been written."

Dr. Jeff Schmidt, a pediatrician and President of the Intermountain Pediatric Society, which treats the majority of children with ADHD in Utah, believes that this bill would have a "detrimental effect on our efforts we have made of the last 10 years to develop communication between schools and parents. There are now well-accepted protocols in place for physicians to work with schools and parents to make the proper diagnosis."

He also told committee members that under the current rules he still has trouble getting the information he needs from schools to make proper diagnoses, a problem that Schmidt believes would be worsened by HB 202.

"We are making progress with the tools that we have. We see this as a significant barrier," he said.

Gayle Ruzicka, President of the Utah Eagle Forum, spoke in support of the bill at the committee meeting.

"I think we can count on teachers to know and understand the law," Ruzicka said. "The great thing about this bill too is that it takes away the threat that parents often felt when recommendations came from the school, that either the children would not be able to attend school, or even more important than that, that DCFS would be knocking on their door."

HB 202, Rep Michael Morley, R-Spanish Fork. This bill would prohibit school personnel from making mental health care recommendations for a student, including the use of psychotropic medications, and would prohibit removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

*This story appeared in The Daily Herald on page A3.*

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