

***RESOLUTION NO.: 134—2015-16***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1 Legislation has been proposed relating to informed consent for psychotropic medications  
2 in nursing homes and community-based residential facilities (CBRFs). The bill requires a  
3 community-based residential facility to obtain a signed acknowledgment form for  
4 administration of psychotropic medications and creates requirements for obtaining a  
5 signed acknowledgment form, for residents who are prescribed medications while off the  
6 premises of a community-based residential facility.

7  
8 Current law already requires that nursing homes obtain written informed consent before  
9 administering a psychotropic medication that contains a boxed warning to any patient with  
10 a degenerative brain disorder. The proposal maintains current law for skilled nursing  
11 facilities; but adds the requirement to obtain a signed acknowledgement form from a  
12 CBRF resident with a degenerative brain disorder who has been prescribed a psychotropic  
13 medication that has a black box warning.

14  
15 This language is patterned after statutes related specifically to nursing homes; however,  
16 CBRFs are not nursing homes. Unlike nursing homes, CBRFs are not a medical model  
17 and do not have regulatory requirements related to medical director (physician) and  
18 nursing staffing. Most CBRF staff do not have the knowledge or expertise to conduct the  
19 discussion on psychotropics with CBRF residents, family members, and/or legal  
20 representative, as they are not licensed nurses as is statutorily acceptable. It is agreed that  
21 informed consent in these circumstances is vital but contend that these discussions, and  
22 obtaining a signed acknowledgement form, should be the responsibility of the prescriber  
23 of the psychotropic medication, not the CBRF. This resolution opposes any legislation  
24 which would give community-based residential facilities the ability to administer  
25 psychotropic medications.

26  
27 NOW THEREFORE, the undersigned members of the Health and Human Services  
28 Committee recommend adoption of the following resolution.

29 BE IT RESOLVED, that the Outagamie County Board of Supervisors does oppose  
30 legislation which would give community-based residential facilities the ability to administer  
31 psychotropic medications, and

32 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a  
33 copy of this resolution to the Outagamie County Director of Health & Human Services, the Brewster  
34 Village Administrator, the Outagamie County Lobbyist for distribution to the Legislature and  
35 Governor, and the Outagamie County Executive.

1 Dated this \_\_\_\_ day of February 2016

2 Respectfully submitted,  
3 HEALTH & HUMAN SERVICES  
4 COMMITTEE

5  
6  
7 \_\_\_\_\_  
8 Jerry Iverson Barney Lemanski

9  
10  
11  
12 \_\_\_\_\_  
13 Patrick Meyer Kevin Behnke

14  
15  
16  
17 \_\_\_\_\_  
18 Cathy Spears

19  
20 Duly and officially adopted by the County Board on: \_\_\_\_\_

21  
22 Signed: \_\_\_\_\_  
23 Board Chairperson County Clerk

24  
25 Approved: \_\_\_\_\_ Vetoed: \_\_\_\_\_

26  
27 Signed: \_\_\_\_\_  
28 County Executive