

FOR THE STATE OF MISSOURI

PROPOSED REGULATION

Entitled: "CHEMICAL ABUSE: ENDANGERING THE HEALTH OF A CHILD OR YOUTH IN FOSTER CARE."

WHEREAS: Child endangerment refers to an act or omission that renders a child subject to psychological, emotional or physical abuse. The child who is subjected to such endangerment is called an abused child or a neglected child. Endangerment that results in serious physical illness or injury is a felony.¹

WHEREAS: Reckless Endangerment consists of acts that create a substantial risk of serious physical injury to another person. The accused person isn't required to intend the resulting or potential harm, but must have acted in a way that showed a disregard for the foreseeable consequences of the actions.²

WHEREAS: The Child Abuse Prevention and Treatment Act of 2010 (CAPTA) defines "child abuse and neglect" as meaning, "at a minimum, any recent act or failure to act," which "results in death, serious physical or emotional harm..."³

WHEREAS: Psychotropic medications have adverse effects including: stroke,⁴ pancreatitis⁵, obesity, with children taking atypical antipsychotics adding eight to fifteen percent to their weight after the drugs for less than 12 weeks.⁶ A variety of drugs targeted towards the central nervous system are associated with cardiac side effects, including arrhythmia and sudden death.⁷ Type 2 diabetes is associated with some atypical antipsychotics.⁸ Symptoms of psychosis or mania, particularly hallucinations, are linked to methylphenidate (ADHD) drugs⁹, suicidality¹⁰, violent behavior¹¹, agitation, hostility and impulsivity in antidepressants¹², akathisia (drug-induced restlessness) in antidepressants and antipsychotics¹³, tardive dyskinesia (permanent impairment of voluntary movement) and other movement disorders¹⁴, and gynecomastia (female breast growth in boys prescribed the antipsychotic Risperdal).¹⁵ Neuroleptic malignant syndrome (NMS) is a severe iatrogenic and potentially fatal complication of antipsychotics.¹⁶ At least 20 psychotropic drugs have been linked to violent behavior, with reports of homicide, physical assaults, cases indicating physical abuse, homicidal ideation, and cases described as violence-related symptoms.¹⁷ Mood stabilizer drugs are associated with behavioral problems, including aggression and hyperactivity.¹⁸

WHEREAS: Foster children are being given cocktails of these powerful drugs and federal inspectors found more than half the children nationwide were poorly monitored.¹⁹ The Government Accountability Office (GAO) estimates that between 20 and 39 percent of foster care children are prescribed psychotropic drugs.²⁰ The Congressional Research Service found the number of children in foster care taking a psychiatric drug was more than four times the rate among children overall.²¹ One in nine children in foster care is prescribed antipsychotics, with potential life-debilitating and life-threatening effects.²²

RECOMMENDATION

***AMEND:* Foster Care regulations to protect foster children and youths from the prescription of psychotropic drugs that can result in physical abuse or injury or endanger the child's health.**

The regulation addresses any child or youth under the care of state Child and Family Services in respect to: i) psychotropic drugs prescribed and administered them, ii) off-label prescribing, and iii) the observation of serious adverse effects of the prescribed psychotropic drugs and neglecting or

failing to discontinue the medication, and where such acts result in disfiguring, physically damaging or life-threatening injury or effect to the child or youth. Therefore:

a) Such an act shall be considered chemical abuse.

b) Chemical abuse shall constitute "child abuse," punishable in accordance with state child abuse laws.

References

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