

SB

48

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5/5/06

HOUSE CS FOR CS FOR SENATE BILL NO. 48(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DAVIS, Huggins, Cowdery, Guess, French, Seekins, Elton, Kookesh, Wagoner, Therriault, Ben Stevens

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to recommending or refusing psychotropic drugs or certain types of**
2 **evaluations or treatments for children."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 14.30 is amended by adding new sections to read:**

5 **Article 2A. Psychiatric and Behavioral Evaluations and Treatments.**

6 **Sec. 14.30.171. Prohibited actions.** (a) Except as provided in AS 14.30.172 -
7 14.30.176, school personnel may not, unless otherwise authorized by law or a specific
8 policy adopted by a governing body of a school district,

9 (1) recommend to a parent or guardian that a child take or continue to
10 take a psychotropic drug as a condition for attending a public school;

11 (2) require that a child take or continue to take a psychotropic drug as a
12 condition for attending a public school, except when, in the opinion of the child's
13 treating physician,

14 (A) the medication is necessary for the mental health of the

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child; or

(3) the child poses a risk of harm to self or others without the medication;

(3) conduct a psychiatric evaluation of a child;

(4) recommend a specific licensed physician, psychologist, or other health specialist to a parent or guardian for a child;

(5) recommend that a parent or guardian seek or use for a child

(A) a psychotropic medication; or

(B) a psychiatric or psychological treatment; or

(6) make a report of suspected child abuse or neglect to authorities, including the Department of Health and Social Services, based solely on the fact that a parent or guardian refuses to give signed consent for

(A) the administration of a psychotropic drug to a child; or

(B) a psychiatric, psychological, or behavioral treatment of a

child.

(b) As used in this section, "school personnel" means persons employed by a public school or school district to work in a public school, except for a person who holds a special services type C certificate issued under AS 14.20 that qualifies the person to be employed to provide related services to students, as described in regulations adopted by the board.

Sec. 14.30.172. Communication not prohibited. (a) Nothing in AS 14.30.171 may be construed to prohibit school personnel from

(1) consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, behavior in the classroom or school, or regarding the need for evaluation for special education or related services as long as school personnel do not make an assertion or recommendation that violates AS 14.30.171; or

(2) exercising their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of a school disciplinary and safety program adopted under AS 14.03.160, AS 14.30.045, or AS 14.33.110 - 14.33.140.

1 (b) Nothing in AS 14.30.171 may be construed to prevent teachers or other
2 school personnel from complying with the requirements of AS 47.17.020 or from
3 filing a report to authorities if a child poses a serious and imminent risk to the child's
4 or another person's safety.

5 **Sec. 14.30.174. Compliance with federal education law.** (a) Notwithstanding
6 AS 14.30.171(a)(3) and (5), a behavioral or mental health professional working within
7 a public school system may, in compliance with federal education law or applicable
8 state law,

9 (1) recommend, but not require, a psychiatric or behavioral health
10 evaluation of a child;

11 (2) recommend, but not require, psychiatric, psychological, or
12 behavioral treatment for a child; and

13 (3) conduct a psychiatric or behavioral health evaluation of a child
14 with the consent of the child's parent or guardian.

15 (b) In this section,

16 (1) "behavioral health professional" means a person who has a master's
17 degree in psychology, social work, counseling, or a related field with specialization or
18 experience in working with children experiencing behavioral, physical, and emotional
19 disabilities, and is working within the scope of the person's training and experience;

20 (2) "federal education law" means 20 U.S.C. 1400 - 1487 (Individuals
21 with Disabilities Education Act), 20 U.S.C. 7101 - 7143 (Safe and Drug-Free Schools
22 and Communities Act of 1994), 29 U.S.C. 794 (nondiscrimination under federal grants
23 and programs), and 42 U.S.C. 12101 - 12213 (equal opportunity for individuals with
24 disabilities);

25 (3) "mental health professional" has the meaning given in
26 AS 47.30.915.

27 **Sec. 14.30.176. List of community resources.** Notwithstanding
28 AS 14.30.171(a)(4), a school district may make available to an interested parent or
29 guardian a list of community resources, including mental health services if the list
30 conspicuously states the following: "This list is provided as a resource to you. The
31 school neither recommends nor requires that you use this list or any of the services

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provided by individuals or entities on the list. It is for you to decide what services, if any, to use and from whom you wish to obtain them."

Sec. 14.30.177. Violations. Each school board shall adopt a policy that provides for disciplinary action against a person employed by the school district for a violation of AS 14.30.171 - 14.30.176.

Sec. 14.30.179. Definition. In AS 14.30.171 - 14.30.179, "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and that is supported by public funds.

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Senator Bettye Davis

Senate Bill SB 48

"An Act relating to recommending or refusing psychotropic drugs as a treatment for children and to the evaluation and treatment of children with behavioral or psychological problems."

Sponsor Statement

The use of psychiatric drugs in our nation's schools has more than doubled in the first half of the last decade and continues to escalate. There are documented incidences of highly negative consequences in which psychiatric prescription drugs have been utilized for what are essentially problems of discipline, which may be related to a variety of causation. There is also parental concern regarding the issue of diagnosis and medication and their impact on student achievement.

In it's simplest terms this bill basically states that a public school may not deny any student access to programs or services simply because the parent of the student has refused to place the student on psychotropic medications, get a psychiatric evaluation or seek psychiatric or psychological treatment for a child.

It also spells out what communications are allowed, who can do evaluations and the protections a parent or guardian has against being reported to OCS simply because they disagree with psychotropic medications.

Provisions to allow behavioral, psychological or psychiatric screening by those qualified to do so, with parental consent are preserved.

Communication between school employees on behavioral and learning issues concerning the child are preserved.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 48(HES)
 (S) Publish Date: 4/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: "An Act relating to recommending or refusing RDU: Teaching & Learning Support
psychotropic drugs . . . Component: Student and School Achievement
 Sponsor: Davis
 Requester: HESS Component No.: 2796

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 48 describes specific actions and communications in which school personnel may or may not engage related to psychiatric and behavioral evaluations and treatments. School personnel are prohibited from recommending or requiring that a child take or continue to take a psychotropic drug as a condition for attending school; conducting a psychiatric or behavioral evaluation of a child; recommending a specific physician, psychologist or other health specialist to a parent or guardian; recommending that the parent take a specific course of medical or psychiatric action, and reporting suspected child abuse or neglect based solely on whether a parent or guardian refuses to consent to a course of medical, psychiatric, psychological, or behavioral treatment or evaluation.

Costs for school districts to implement provisions of this bill are indeterminate.

Prepared by: Barbara Thompson, Director
 Division: Teaching & Learning Support
 Approved by: Karen Rehfeld, Deputy Commissioner
 Agency: Education & Early Development

Phone: 465-8727
 Date/Time: 3/31/06 12:30 p.m.
 Date: 03/31/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 48/HES
 (S) Publish Date: 4/13/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: REFUSING PSYCHOTROPIC DRUGS AND TREATMENTS FOR CHILDREN
 RDU: Children's Services
 Component: Front Line Social Workers

Sponsor: DAVIS
 Requester: SENATE (HES)

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 48 proposes to accomplish three major things: 1) prohibit public schools from recommending mental health services and/or psychotropic medication for students; 2) prohibit public schools from reporting suspected abuse or neglect if the only concern is that a parent or guardian refuses to consent to proper mental health treatment for a child; and, 3) prohibit the DHSS from taking custody based solely on a parent or guardian's refusal to consent to proper mental health treatment for a child. There would be no fiscal impact to the department.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-3191
 Date/Time: 03/31/2006
 Date: 03/31/2006

Journal Text for SB48 in the 24th Legislature

Full Journal

04-26-2006

Senate Journal

2949

SB 48

Senator Bunde requested that the reconsideration on CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" be taken up. The bill was before the Senate on reconsideration.

Senator Bunde moved that the bill be returned to second reading for the purpose of a specific amendment, that being Amendment No. 1. Without objection, the bill was returned to second reading.

Senator Bunde offered Amendment No. 1:

Page 3, following line 21:

Insert a new section to read:

"Sec. 14.30.175. At risk students. Notwithstanding AS 14.30.171(3) and (5) and 14.30.174(a), a principal or other person in charge of a public school who reasonably believes that a student is at risk of causing harm to self or others, may require a psychiatric or behavioral health evaluation of a child."

Senator Bunde moved for the adoption of Amendment No. 1. Senator Davis objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 48(HES)
Second Reading
Amendment No. 1

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Bunde, Green, Stedman, Stevens G, Therriault, Wilken

Nays: Cowdery, Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stevens B, Wagoner

and so, Amendment No. 1 failed.

04-26-2006

Senate Journal

2950

CS FOR SENATE BILL NO. 48(HES) was automatically in third reading on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 48(HES) "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children" pass the Senate?" The roll was taken with the following result:

CSSB 48(HES)
Third Reading - On Reconsideration

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Cowdery, Davis, Dyson, Ellis, Elton, French, Guess, Hoffman, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Wagoner

Nays: Bunde, Green, Therriault, Wilken

Therriault changed from "Yea" to "Nay".

and so, CS FOR SENATE BILL NO. 48(HES) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Bill Root:

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SB 48

Similar Legislation

Available Bills

Category	Bill #	Summary	Status
Children	<u>AK SB 0048</u>	PSYCH. EVALUATION/TREATMENT FOR STUDENTS	introduced
Children	<u>FL HB 0209</u>	Contains the following provisions: 1) A recipient of state funds shall not require a student to be prescribed or administered any psychotropic medication as a condition of such student receiving educational or school-based services; 2) A psychotropic medication shall not be administered to a student on school premises except by a licensed health care professional and in compliance with HIPPA; and 3) A school or school district personnel shall not initiate, or make a referral for, diagnosis or treatment of a student for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders or in ICD-10.	passed house committee
Children	<u>FL SB 1090</u>	Minors/Psychotropic Medication	passed senate committee
Children	<u>FL SB 1766</u>	School Students/Psychotropic Med	introduced
Children	<u>GA SR 0128</u>	Mental Health Screening; urge GA Congressional Delegation to oppose	introduced
Children	<u>NH HB 0240</u>	relative to psychotropic drugs and child protection.	passed house committee
Children	<u>NM S.JM 0052</u>	STUDY PRESCRIPTION DRUGS FOR CHILD BEHAVIOR	enacted
Children	<u>NY AB 1132</u>	Directs the commissioner of education to establish rules and regulations prohibiting school personnel from recommending psychotropic drugs for children.	introduced
Children	<u>NY AB 5043</u>	Restricts recommendations for psychotropic drugs.	introduced
Children	<u>NY SB 2900</u>	Directs the commissioner of education to establish rules and regulations prohibiting school personnel from recommending psychotropic drugs for children.	introduced
Children	<u>PA HB 0591</u>	An Act amending the act of March 10 1949 (P.L.30 No.14) known as the Public School Code of 1949 prohibiting school officials or employees from recommending that a child use psychotropic or sympathomimetic drugs.	introduced
Children	<u>TN HB 0580</u>	Students - Prohibits school personnel from recommending psychotropic drugs such as Ritalin to treat elementary and secondary school students for behavioral concerns. - Amends TCA Title 49 Chapter 6 Part 50.	hearing held
Children	<u>UT HB 0042</u>	Prohibits school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs; prohibits consideration of a petition for removal of a minor and removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs.	passed house & senate
Children	<u>VT HB 0074</u>	PSYCHOTROPIC DRUGS AND SPECIAL NEEDS SERVICES FOR CHILDREN	introduced
Children, Medications Access, Mental Health	<u>NY AB 5885</u>	Authorizes and directs the department of health to conduct a study on drugs prescribed for school-age children with ADD.	introduced

Fight For Kids Day

1999-2003

» Bills and Resolutions

U.S. BILLS & RESOLUTIONS INTRODUCED OR PASSED AGAINST COERCIVE PSYCHIATRIC LABELING & DRUGGING OF CHILDREN

In 1999, the Colorado State Board of Education passed a precedent-setting Resolution that asked school personnel to use academic rather than drug solutions to resolve problems with behavior, attention and learning. Since then, state legislatures, school boards and national organizations have responded to the need to protect children from arbitrary and forced psychiatric labeling and drugging, and to monitor the prescription rate of stimulants and other psychiatric drugs for children.

In 2001, two precedent-setting laws were passed in Connecticut and Minnesota that prevent school personnel from coercing or recommending that parents drug their children, especially as a requisite for remaining in class. Laws have also been necessary to protect parents against criminal charges being threatened or laid if they refuse to put their child on a mind-altering psychiatric drug.

1999: The Colorado State Board of Education resolution stated, "*There are documented incidents of highly negative consequences in which psychiatric prescription drugs have been utilized for what are essentially problems of discipline which may be related to lack of academic success; and be it resolved that the State Board of Education encourage school personnel to use proven academic and/or classroom management solutions to resolve behavior, attention, and learning difficulties....*"

2000: The Texas State Board of Education Resolution recommended, "*that programs such as tutoring, vision testing, phonics, nutritional guidance, medical examinations, allergy testing, standard disciplinary procedures, and other remedies known to be effective and harmless, be recommended to parents as their options....*"

2001: Four laws were passed in the states of Connecticut, Minnesota, North Carolina and Utah, and the Hawaii legislature passed a Resolution. The Connecticut law prohibited school personnel from recommending the use of psychotropic drugs for any child.

2002: Illinois and Virginia passed laws with similar protections provided in Connecticut's law. Illinois' law required school boards to adopt and implement policy prohibiting disciplinary action being taken against parents or guardians for refusing to administer, or consenting to administer, a psychotropic or stimulant drug. The law in Virginia directed the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic drugs for any student. The National Foundation of Women Legislators (NFWL) passed a resolution calling on the federal government to pass regulations or laws in relation to schools receiving federal funds that protect children from being wrongly diagnosed and stigmatized as mentally disordered and forced onto psychotropic drugs as a requirement of their education. The American Legislative Exchange Council (ALEC) also proposed two pieces of model legislation, one against schools coercing parents to drug their children (or recommending drugs) and the other against invasive psychological testing and questionnaires.

2003: A federal bill was introduced—HR 1170—which states that as a condition of receiving federal funds under any program or activity administered by the U.S. Secretary of Education, each state shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by

section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services. [Covers those psychotropic drugs which are generally subject to special provisions because of their potential for abuse and dependence. They are grouped into five "Schedules" based on their abuse potential. Schedule I means those drugs that have a high abuse potential and no accepted medical use in the United States such as heroin, LSD, and mescaline; Schedule II means those drugs with a medical use that have the highest potential for abuse or drug dependence such as Ritalin, Concerta (methylphenidate), Dexedrine, morphine and cocaine; Schedules III-V includes those drugs that have an accepted medical use and lower degrees of potential for abuse and dependence such as vicodin, valium and over-the-counter cough medicines with codeine.] HR 1170 was passed by the House, by an overwhelming margin of 425 votes to one, on May 21, 2003. It is now with the Senate Committee on Health, Education, Labor and Pensions.

An amendment was also added to House of Representatives Bill 1350, the "Improving Education Results for Children with Disabilities Act of 2003," that amends and reauthorizes the Individuals with Disabilities in Education Act. The amendment reads, "PROHIBITION ON PSYCHOTROPIC MEDICATION," and essentially uses similar wording to that in HR 1170, but covering special education. HR 1350 passed the House on April 30 and was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions May 1, 2003.

On a state level, fifteen states introduced 24 bills and/or resolutions in 2003. These were Alaska, California, Colorado, Hawaii, Indiana, Kentucky, Massachusetts, Michigan, New Hampshire, New York, North Carolina, Oregon, Texas, Vermont and West Virginia. Colorado enacted a law on June 5, 2003, requiring school boards to adopt a policy prohibiting school personnel from recommending or requiring the use of a psychotropic drug for any student.

1999:

State	Description	Introduced	Active	Passed
Colorado State Board of Education Resolution	Resolution promoting the use of academic solutions to resolve problems with behavior, attention and learning in the classroom.	10/99	PASSED	11/11/99
National Black Caucus Of State Legislators	Resolution strongly urges a national examination of the use of psychotropic drugs and their effects on children.	12/01/99	PASSED	12/03/99

2000:

State	Description	Introduced	Active	Passed
Georgia R 1079	The General Assembly of Georgia creates the Commission on Psychiatric Medication of School-Age Children, to investigate the usage and effects of psychiatric drugs on children and to provide recommendations for improved monitoring of	02/16/00	PASSED	05/01/00

	the prescription rate of these drugs.			
<u>Texas</u> State Board of Education Resolution	Resolution urging local school personnel to use proven academic and/or management solutions to resolve behavior, attention and learning difficulties such as exams, tutoring, phonics, vision testing, etc., known to be effective and harmless.	11/01/00	PASSED	11/03/00
<u>Washington</u> HB 2912	An act relating to the use of psychiatric "medication" by children in state custody, and tracking the number of children being diagnosed and placed on psychiatric "medications."	01/21/00	PASSED	03/24/00

2001:

State	Description	Introduced	Active	Passed
<u>Connecticut</u> AB 5701	Prohibits school personnel from recommending the use of psychotropic drugs for any child. A parent or guardian refusing to administer, or consenting to administer, a psychotropic or stimulant cannot be grounds for a child to be taken into the custody of the Dept. of Child and Family Services.	01/12/01	PASSED	06/28/01
<u>Hawaii</u> SC Resolution 92	Requests the Department of Health and Department of Education jointly to research and examine non-"medication" alternatives for dealing with children who have learning and behavioral difficulties.	03/14/01	PASSED	04/12/01
<u>Minnesota</u> HB 478	Parents' refusal to give stimulant drugs to a child does not constitute educational neglect. States that a child does not have to take such drugs as a condition for re-admission to school after having been suspended. Also establishes a study and report system on the number of children in the	02/01/01	PASSED	05/01/01

	state labeled with ADD/ADHD and taking such drugs, as well recording what pressures families have experienced when placing their child on these drugs.			
North Carolina SB 542	Calls for the establishment of a statewide database on the administration of psychotropic drugs to children who receive state services.	03/19/01	PASSED	05/25/01
Utah HB 170	Amends the definition of "substantiated child abuse" to exclude failure to administer psychiatric drugs or course of treatment if the parent has not been told of the opportunity to obtain a physical exam; authorizes Division of Child and Family Services to report an individual who is <u>not</u> a licensed health care provider to the appropriate licensing authority for making medical recommendations regarding administration of psychiatric drugs to children.	01/26/01	PASSED	03/15/01

2002:

State	Description	Introduced	Active	Passed
Illinois SB 1718	Requires school board to adopt and implement policy prohibiting disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to administer a psychotropic or stimulant drug.	01/10/02	PASSED	07/16/02
Virginia HB 90	Boards of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic drugs for any student. Student cannot be evaluated by a medical practitioner.	01/31/02	PASSED	04/01/02

	unless with the written consent of the student's parents.			
<u>National</u> National Foundation of Women Legislators (NFWL) Resolution	National Foundation of Women Legislators (NFWL) urges federal government to pass regulations or laws in relation to schools receiving federal funds that protect children from being wrongly diagnosed and stigmatized as mentally disordered, and forced onto psychotropic drugs as a requisite for their education.	11/23/02	PASSED	11/23/02
<u>Texas</u> HB 320	Refusal to administer or consent to administration of psychotropic drugs or any other psychiatric or psychological treatment to a child does not by itself constitute neglect.	12/20/02	INTRODUCED 12/20/02	

2003:

<u>State</u>	<u>Description</u>	<u>Introduced</u>	<u>Active</u>	<u>Passed</u>
<u>Federal</u> HR 1170	As a condition of receiving funds under any program or activity administered by the Secretary of Education, each State shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services.	3/11/03	Passed the House 5/21/03. Received in the Senate and referred to Committee on Health, Education, Labor and Pensions 5/22/03	
<u>Federal</u> Amendment to HR 1350	Amendment added to federal bill H.R. 1350 reauthorization of the Individuals with Disabilities Education Act: "State educational agency develops and implements policies and procedures prohibiting school personnel from requiring a child to	4/10/03	Passed the House 4/30/03. Received in the Senate and referred to Committee on Health,	

	obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services."		Education, Labor and Pensions 5/01/03	
Alaska SB 5	Prohibits school personnel from recommending or requiring a child take a psychotropic drug as a requisite for attending public school. Also prohibits filing a report to authorities of suspected child abuse or neglect based solely on the parent's/guardian's refusal to consent to the administration of a psychotropic drug or psychiatric, psychological, or behavioral treatment of child. And prohibits a court from making ruling of neglect or abuse against parent solely based on the same allegation.	01/10/03	Referred to Health Education and Social Services Committee and Finance Committee 1/21/03	
California AB 1424	Refusal of a parent or guardian to administer, or consent to administration of any medication or medical treatment for child does not constitute, in and of itself, a basis for child being removed from physical custody of parent or guardian.	2/21/03	Referred to Health committee 4/07/03	
Colorado HB 1172	Requires each school board to adopt a policy prohibiting school personnel from recommending or requiring the use of a psychotropic drug by any student.	1/15/03	PASSED	06/05/03
Hawaii HB 272	Prohibits the Department of Health personnel from requiring, suggesting, or implying that a student take psychiatric drugs as a requisite to attending school.	1/17/03	Passed First Reading 1/21/03	
	Replicates House Bill 274 for the Senate, requiring the Dept. of			

Hawaii SB 981	Health, assisted by the Dept. of Ed., to report annually for 5 years on number of children in schools diagnosed with ADD or ADHD; number of those children who receive special education; how many of those are prescribed and using psychiatric drugs.	1/21/03	Passed First Reading 1/21/03	
Hawaii HB 275	Requires the Dept. of Health and the Dept. of Education to re-examine the legitimacy of the diagnoses of ADHD and ADD in their assessment of children under the category of attention problems and hyperactivity.	1/17/03	Passed First Reading 1/21/03	
Hawaii SB 982	Replicates House Bill 275 for the Senate: Requires the Dept. of Health and the Dept. of Education to re-examine the legitimacy of diagnoses of ADHD and ADD in their assessment of children under the category of attention problems and hyperactivity.	1/21/03	Passed First Reading 1/21/03	
Indiana HB 1974	Prohibits teachers from attempting to influence a parent or guardian to obtain psychotropic drugs for students, and forbids a student from being forced to take a psychotropic drug as a requisite for readmission after suspension for behavioral problems.	1/23/03	To House Committee on Education 1/23/03. Still in House Committee on Education. Rep. Reske added as coauthor 2/18/03	
Kentucky HJR 67	House Joint Resolution that says, because of the concern about psychotropic drug effects and the increase of prescriptions for such drugs to children, the Kentucky Department of Education is requested to provide education and training to school personnel regarding the use of psychotropic drugs. It urges the Cabinet for Families and Children to adopt policy to ensure that a parent's refusal to place a child	1/10/03	Posted In Health & Welfare Committee 2/18/03	

	on psychotropic drugs shall not in and of itself constitute grounds for abuse or neglect.			
Massachusetts SB 674	Prior to practitioners prescribing psychotropic drugs to a minor, they must have the parent or guardian read, or be told verbally if incapable of understanding written information, full information on the psychotropic drug(s) being prescribed from the <i>Physician's Desk Reference Family Guide to Prescription Drugs</i> and obtain written attestation that the information, including drug side effects, is understood. Written attest to be kept on file as part of child's record.	1/01/2003	To Committee on Health Care 01/01/03	
Massachusetts SB 811	A parent's or legal guardian's refusal to medicate their child with psychotropic drug(s) or refusing to have him/her receive mental health counseling shall not be considered neglect.	1/01/03	To Joint Committee on Human Services and Elderly Affairs and filed as Senate Docket 703 1/01/03	
Massachusetts SB 2227	Power of the school committee (the governing board of a town's public school system to carry out the educational policies of the state), any teacher, counselor or other agent of school committee shall not include the right to require a student be placed on a psychotropic drug to attend or remain in school, or the right to recommend or suggest the use of a psychotropic drug for any child.	1/01/03	To Committee on Education, Arts and Humanities 1/01/03	
Michigan HB 4024	Creates a psychotropic drug use advisory council to investigate, compile a report, and recommend policies pertaining to psychotropic drug use among children.	1/28/03	To Committee on Family and Children Services 1/28/03	
	Prohibits teachers from making a psychological		Passed through	

<p><u>Michigan</u> HB 4025</p>	<p>or medical diagnosis of a behavioral condition or disorder in a child or recommending a child having to take a prescribed psychotropic drug.</p>	<p>1/28/03</p>	<p>the House 5/08/03 and referred to Senate Committee on Education 5/13/03</p>	
<p><u>New Hampshire</u> HB 551</p>	<p>Refusal of a parent or other guardian to administer or consent to the administration of any psychotropic drug to a child shall not, in and of itself, constitute grounds to take the child into custody, or for the court to order that such child be taken into custody.</p>	<p>1/09/03</p>	<p>To Children and Family Law Committee 1/09/03</p>	
<p><u>New York</u> AB 2955</p>	<p>Enacts a "parent and pupil rights act" whereby all instructional material used in connection with any "psychiatric or psychological research or experimentation program or project," in elementary or secondary school, shall be available for inspection by parents or guardians; also prohibits such programs or projects having the purpose of revealing political affiliations, religious beliefs and practices, sex behavior and attitudes, and other listed privileged information.</p>	<p>2/03/03</p>	<p>Referred to Education Committee 2/03/03</p>	
<p><u>New York</u> AB 3563</p>	<p>Act amends education law to prohibit all school personnel and school districts from suggesting or recommending use of psychotropic drugs for any child. Any personnel or school district found guilty of the above "may be charged with the crime of professional misconduct...which relates to the practice of medicine without a license." Refusal of a parent or guardian to administer or agree to the administration of a psychotropic drug to a child shall not, in and of itself, constitute grounds for an investigation or</p>	<p>2/06/03</p>	<p>To Education Committee 2/06/03</p>	

	removal of the child by Child Protective Services.			
North Carolina HB 943	Prohibits school personnel from recommending or requiring use of psychotropic drugs or central nervous system stimulants for any child. Each local board of education shall adopt and implement rules and policies on these issues.	4/08/03	Through the House 4/30/03. Referred to Senate Committee on Health and Human Resources 5/01/03	
Oregon SB 456	A kindergarten through grade 12 public school administrator, teacher, counselor or nurse may not recommend student seek a prescription for a medication that is prescribed with the intent of affecting or altering the thought processes, mood or behavior of the student.	2/17/03	Passed through Senate to House 5/23/03	
Texas HB 1070	Parent's refusal to provide written consent for an employee of a school district to conduct a psychological exam, test, treatment or to permit a school employee to administer a psychotropic drug does not constitute neglect or abuse of a child. Any employee of a school district who uses or threatens to use a parent's refusal as the basis for making a report concerning abuse or neglect may be subject to a Class A misdemeanor charge and a parent may bring a civil court action against the school employee.	2/24/03	To Public Education Committee 2/24/03	
Texas HB 1406	School district employee may not recommend student use a psychotropic drug or have a psychiatric evaluation, or use refusal by a parent to consent to administration of a psychotropic drug or psychiatric evaluation for a student as grounds	2/27/03	Through both the House and Senate and sent to the Governor 6/03/03	

	for prohibiting the child from attending class or a school-related activity.			
Vermont SB 30	No school shall require a child to take psychiatric drugs as a requisite for attending school; parent or guardian may agree or disagree to allow the child to take psychiatric drugs; prohibits the unlawful possession of methylphenidate (Ritalin), with up to one year in prison or fines of up to \$2,000.	1/23/03	To Senate Committee on Education 1/24/03	
West Virginia SB 122	Requires public schools to comply with provisions of federal law governing release and elicitation of certain information concerning students and their families in connection with mental or health care services. No student may be required to submit to counseling, psychiatric or psychological treatment and experimental procedures, including surveys or tests, without the parents' informed consent. Parents have the right to exclude child from such tests/surveys based on religious, cultural, moral or political beliefs or affiliations.	1/10/03	To Senate Committee on Education 1/10/03	
West Virginia HB 2111	Prohibits teachers and other school personnel from recommending that a pupil is in need of psychiatric treatment or evaluation or psychotropic, mood altering or other mind-altering drugs.	1/10/03	To House Committee on Education 1/10/03	
Arizona HB 2024	A child whose parent, guardian or custodian refuses to put the child on a psychiatric medication or questions the use of a psychiatric medication shall not be considered to be an abused, neglected or dependent child for that reason alone.		PASSED	12/18/03

2004:

State	Description	Introduced	Active	Passed
United States H.R. 1350	Prohibits State and local educational personnel from requiring a child to obtain a prescription for substances covered by the Controlled Substances Act as a condition of attending school, receiving an evaluation under IDEA, or receiving services.	20/3/03	PASSED	19/11/04
New Hampshire HB 551	A committee to study the prescription and use of psychotropic drugs in childcare centers, preschools, and public schools. Unless otherwise ordered by the court, the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for a child to be taken into custody.	7/01/04	PASSED	15/06/04
United States H.R. 1350	Prohibits State and local educational personnel from requiring a child to obtain a prescription for substances covered by the Controlled Substances Act as a condition of attending school, receiving an evaluation under IDEA, or receiving services.	20/3/03	PASSED	19/11/04

2005:

State	Description	Introduced	Active	Passed
Florida SB 1090	Creates safeguards for parents in Florida from being coerced to put their children on dangerous psychotropic drugs or from being psychologically evaluated.	March, 2005	PASSED	May 27, 2005
Minnesota SF 2277	Provides that a parent's refusal to consent to the administration of a psychotropic drug or a psychiatric examination of a student shall not be used as grounds, by itself, for prohibiting the child from attending class or participating in a school-related activity. Further, the school district must not recommend that a student use a psychotropic drug.	28/04/05	PASSED	5/5/05

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SB 48

Background
Information



Methylphenidate: Pros and Cons

What is methylphenidate?

Methylphenidate, usually known by the trade names Ritalin, Concerta, Metadate and others is one medicine used to treat the symptoms of Attention Deficit Hyperactivity Disorder (ADHD). Some children with ADHD do well using behavior training methods, and may not need a medicine. For other children, this medicine can improve attention, focus, goal-directed behavior, and organizational skills. As with any medicine, there are pros and cons to its use.

How does it work?

Methylphenidate is a stimulant medicine. Since children with ADHD are already over-stimulated, it is hard to understand how a stimulant drug will help to calm them down. Researchers think that the area of the brain that controls when to pay attention to certain activities and when to ignore other ones is immature and works poorly in people with ADHD. The medicine stimulates those areas of the brain so that the child can better pay attention and focus on his activities.

What are the pros?

The medicine works quickly so you'll know if it will help or not. The dosage may have to be adjusted by your health care provider. It is fairly inexpensive and has been used for many years. If your child is having problems with attention, focus, and being overactive in school, stimulant medicine may provide some relief. Benefits of this medicine often include:

- less trouble finishing classwork and homework
- less fidgeting or squirming
- better control of emotions
- less impatience and impulsiveness
- better relationship with family and friends
- increased self-esteem.

What are the cons?

Many parents do not like the idea of medicating their child for any length of time. As with any medicine, it can have side effects. Some children will have few or no side effects. Other children may have to stop using it because of the side effects.

Some common side effects include:

- decrease in appetite
- headaches

- difficulty falling asleep
- irritability
- stomachaches.

Some children may become more active in the evening after the medicine has worn off. This can be an ordeal for families who are tired and stressed out at the end of the day. Some children will have problems sleeping.

Rarely, this medicine causes high blood pressure, weight loss, growth delays, or aggressive behavior. One to two percent of children on this medicine have facial twitches called tics. If your child already had tics, the medicine may make them worse. The tics get better if the medicine is stopped. A few children don't like the way the medicine makes them feel. Most, however, like being better able to concentrate on schoolwork and control their activity level.

About 25% of children with ADHD do not respond to methylphenidate, although some of these children will benefit from other ADHD medicines.

Should my child take methylphenidate?

There are several treatment approaches for ADHD other than medicine, such as:

- changes to the child's education program
- cognitive-behavioral therapy
- parent education
- social skills training.

Discuss the decision to medicate your child with your child's health care providers, school counselors, and teachers. Decide with your doctor if your child's symptoms are causing enough problems that a trial of this medicine is needed.

The medicine is not a cure. There is no cure for ADHD, though medicine can help manage some of the symptoms. If you decide to try medicine, plan a 1 to 4 week trial period. Your child is usually given a small dose at first, so it may be necessary to increase the dose. Be sure to have several people that interact with your child complete rating scales that relate to ADHD behavior after your child has been on the medication for a few weeks. Even if you do decide to try medicine, be sure to get an educational evaluation and use behavioral training methods to help your child as well.

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Vernon Coleman

This article gives general material and opinions for information only and is not to be considered an alternative to professional medical advice. Readers should consult their family doctors or other qualified medical advisers on any matter relating to their health and wellbeing.

Ritalin: Child Abuse On Prescription?

Family doctors are these days frequently under pressure (usually from teachers and social workers who know nothing about drug therapy and probably understand nothing about the way the international drug industry operates) to prescribe the drug called Ritalin for children who are accused of behaving badly, reported as not doing well at school and 'diagnosed' as suffering from something called Attention Deficit Hyperactivity Disorder (known as ADHD).

For several decades now Ritalin, and other amphetamine type drugs, have been prescribed for children diagnosed as suffering from various types of brain dysfunction and hyperactivity. (Other psychostimulants which have, at one time or another, been regarded as competitors to Ritalin have included Dexedrine).

In my view the first problem is that Attention Deficit Hyperactivity Disorder (and other variations on the hyperactivity theme) is a rather vague diagnosis which is often leapt upon by teachers, social workers and parents to excuse and explain any unacceptable or uncontrollable behaviour.

Parents of children whose behaviour is in any way regarded as different or unusual are often encouraged to believe that their child is suffering from a disease for two simple reasons. First, it is more socially acceptable to give a child a pseudoscientific label than to have to admit that he or she may simply be badly behaved.

Second, when a child has been given a label it is possible to offer a treatment. Commonly it will be one, such as a drug, which offers someone a profit.

ADHD, which is also known as Attention Deficit Disorder (or ADD), hyperkinetic child syndrome, minimal brain damage, minimal brain dysfunction in children, minimal cerebral dysfunction and psycho-organic syndrome in children, is a remarkably non specific disorder. The symptoms which characterise the disorder may include: a chronic history of a short attention span, distractibility, emotional lability, impulsivity, moderate to severe hyperactivity, minor neurological signs and abnormal EEG. Learning may or may not be impaired.

Read that rather nonsensical list of symptoms carefully and you'll find that just about any child alive could probably be described as suffering from ADHD.

What child isn't impulsive occasionally? What child doesn't cry and laugh (that's what emotional lability means)? What child cannot be distracted?

One big worry I have is that Ritalin could be recommended for any child who seemed bored and

restless or who exhibited unusual signs of intelligence or skill. Read the biographies of geniuses and you may wonder what we are doing to our current generation of most talented individuals.

'Is Ritalin a drug in search of a disease?' wrote one author, and it isn't difficult to see why.

First Used In The 1960s

Ritalin has been recommended as a treatment for functional behaviour problems since the 1960s. When CIBA first suggested this in 1961 they were turned down by the FDA but in 1963 approval was given for this use of the drug.

By 1966 the 'experts' had come up with a definition of the sort of child for whom Ritalin could be useful. Children suffering from Minimal Brain Dysfunction (MBD), the first syndrome for which Ritalin was recommended, were defined as 'children of near average, average or above average general intelligence with certain learning or behavioural disabilities ranging from mild to severe, which are associated with deviations of function of the central nervous system. These deviations may manifest themselves by various combinations of impairment in perception, conceptualization, language, memory and control of attention, impulse or motor function'.

Other symptoms which children might exhibit and which could be ascribed to MBD included: being sweet and even tempered, being cooperative and friendly, being gullible and easily led, being a light sleeper, being a heavy sleeper and so on and on.

Given that sort of list, so work with it is difficult to think of a child who wouldn't benefit from Ritalin - though the official estimate seemed to be that only around 1 in 20 children were real MBD sufferers.

A Convenient Diagnosis

The bottom line is that it has become easy for social workers and teachers to define any children who misbehaves or doesn't learn 'properly' as suffering from MBD or ADHD. Its a convenient diagnosis which excuses parents, teachers and social workers from responsibility or any sense of guilt. How can the parents or the teacher be accused of failing when the child is ill?

The head of the task force which identified and labelled MBD allegedly subsequently joined the company making Ritalin and produced their handbook for doctors on the condition. Commercially Ritalin and MBD became a huge success. By 1975 around a million children in the U.S. were diagnosed as suffering from MBD. Half of these were being given drugs and half of those on drugs were on Ritalin.

For the sake of completeness I should point out that Ritalin has not always been used exclusively in the treatment of badly behaved children.

When Dr Andrew Malleon wrote his book 'Need Your Doctor Be So Useless' in 1973 he reported that the CIBA Pharmaceutical Company had suggested 'to doctors the use of their habit forming drug Ritalin for 'environmental depression' caused by 'NOISE: a new social problem'.

Does Ritalin Work?

The next question which has to be asked is: 'Does Ritalin work?'

Well, I'm afraid that I can't answer that question. And I honestly don't think anyone else can either.

Novartis, the drug company which is now responsible for Ritalin in the UK, admits that 'data on...efficacy of long term use of Ritalin are not complete'.

With one in twenty children said to be suffering from MBD (or ADHD or ADD or whatever else anyone wants to call it), with Ritalin having been on the market and used for this condition for over three decades, and with some experts saying that a million children a year are given Ritalin in the U.S. alone you might find this a trifle disappointing.

Just how long does it take to find out whether or not a drug works? Am I being horribly cynical in suggesting that it might be against the drug company's interests to find out whether or not Ritalin really works? After all, if long term studies found that Ritalin didn't work a very profitable drug would, presumably, lose some of its appeal.

Some research has been done. One five year study of hyperactive children who were given Ritalin at Montreal Children's Hospital found that the children did not differ in the long term from hyperactive children who were not given the drug. At least one investigator has reported that drugs like Ritalin may produce a deterioration in learning new skills at school and parents have reported that the symptoms of MBD have miraculously disappeared during school holidays.

The picture is confused by the fact that there may be a short term improvement in behaviour among children given Ritalin. But is this a real improvement? Or is the child simply drugged? Amphetamine type drugs reduce the variety of behaviour exhibited by children. A child taking Ritalin might have more focused behaviour. But although that might mean less disruption in the classroom does it really help the child? And should we give a child a powerful and potentially hazardous drug because they it keeps him quiet?

There is evidence suggesting that children who are genuinely hyperactive may have been poisoned by food additives or by lead breathed in from air polluted by petrol fumes. If this is so then is giving another potentially toxic drug really the answer to this problem?

Potentially Toxic

The next problem is that I believe that Ritalin can reasonably be described as potentially toxic. Ritalin has been described as 'very safe' but for the record here is a list of some of the possible side effects which may be associated with Ritalin: nervousness, insomnia, decreased appetite, headache, drowsiness, dizziness, dyskinesia, blurring of vision, convulsions, muscle cramps, tics, Tourette's syndrome, toxic psychosis (some with visual and tactile hallucinations), transient depressed mood, abdominal pain, nausea, vomiting, dry mouth, tachycardia, palpitations, arrhythmias, changes in blood pressure and heart rate, angina pectoris, rash, pruritus, urticaria, fever, arthralgia, alopecia, thrombocytopenia purpura, exfoliative dermatitis, erythema multiforme, leucopenia, anaemia and minor retardation of growth during prolonged therapy in children.

Doctors who prescribe Ritalin, and who have the time and the inclination to read the warnings issued with the drug, will discover that Ritalin should not be given to patients suffering from marked anxiety, agitation or tension since it may aggravate these symptoms.

Ritalin is contraindicated in patients with tics, tics in siblings or a family history or diagnosis of Tourette's syndrome. It is also contraindicated in patients with severe angina pectoris, cardiac arrhythmias, glaucoma, thyrotoxicosis, or known sensitivity to methylphenidate and it should be used cautiously in patients with hypertension (blood pressure should be monitored at appropriate intervals).

Ritalin should not be used in children under six years of age, should not be used as treatment for severe depression of either exogenous or endogenous origin and may exacerbate symptoms of behavioural disturbance and thought disorder if given to psychotic children.

The company selling it claims that although available clinical evidence indicates that treatment with Ritalin during childhood does not increase the likelihood of addiction chronic abuse of Ritalin can lead to marked tolerance and psychic dependence with varying degrees of abnormal behaviour.

Ritalin, it is warned, should be employed with caution in emotionally unstable patients, such as those with a history of drug dependence or alcoholism, because such patients may increase the dosage on their own initiative.

Ritalin should also be used with caution in patients with epilepsy since there may be an increase in seizure frequency.

And height and weight should be carefully monitored in children as prolonged therapy may result in growth retardation. (A child might lose several inches in possible height - though if treatment is stopped there is a generally a growth spurt). It is perhaps worth mentioning here my view that if a drug is powerful enough to retard growth it does not seem entirely unreasonable to suspect that the chances are high that it may be having other powerful effects upon and within the body.

Doctors are also warned that careful supervision is required during drug withdrawal, since depression as well as renewed overactivity can be unmasked. Long term follow up may be needed for some patients.

There have also been reports that children have committed suicide after drug withdrawal. And one study has shown that children who are treated with stimulants alone had higher arrest records and were more likely to be institutionalised.

Long term use of Ritalin has been said to cause irritability and hyperactivity (these are, you may remember, the problems for which the drug is often prescribed). In a study published in *Psychiatric Research* and entitled *Cortical Atrophy in Young Adults With A History of Hyperactivity* brain atrophy was reported in more than half of 24 adults treated with psychostimulants (though I don't think anyone can say for sure whether or not the psychostimulants caused the brain atrophy the possible link should make prescribers, teachers and parents who are fans of Ritalin stop and think for a moment).

In Johannesburg a study of 14 children is said to have produced a response in only 2 children. One child showed some deterioration and another showed marked deterioration.

The final insult is, surely, the fact that the company selling Ritalin tells doctors that 'Data on safety and efficacy of long term use of Ritalin are not complete.' For this reason they recommend that patients requiring long term therapy should be monitored carefully with periodic complete and differential blood counts, and platelet counts.

I regard this as an insult because Ritalin is not a new drug.

I have not, at the time of writing this, been able to find out exactly when it was first introduced but I have been able to trace it back to 1961.

Now, maybe I'm being rather demanding but it does seem to me that when a drug has been on the market for well over a quarter of a century it isn't entirely unreasonable for the drug company involved to have completed studying the data on whether or not it works and is safe.

Cancer In Mice

When early safety tests were done on mice researchers found that the drug caused an increased in hepatocellular adenomas and, in male mice only, an increase in hepatoblastomas (described as 'a relatively rare rodent malignant tumour type').

'The significance of these results to humans is unknown' say Novartis, the company selling Ritalin.

Here, once again, is yet more proof of the total worthlessness of animal experiments and the ruthless and cynical attitude shown by drug companies and those government departments which allegedly exist to protect the public from unsafe drugs.

I have frequently argued that when drug companies perform pre clinical tests on animals they do so knowing that if the tests show that a drug doesn't cause any problems when given to animals they can use the results to help convince the authorities that the drug is safe.

On the other hand when a drug does cause a problem when given to animals the results can be ignored on the grounds that 'the significance of these results to humans is unknown'.

The question here is a very simple one: if the experiments on mice which showed that Ritalin causes cancer were of value why is the drug still available on prescription for children? And if the experiments can safely be ignored (on the grounds that animals are so different to human beings that the results are irrelevant) why the hell were the tests done in the first place?

Ignorance And Misplaced Trust

My own feeling is that the people who told you that Ritalin is 'very safe' are either unable to read or too lazy to do any research into the safety of a product which they are recommending with such enthusiasm.

Years of experience mean that I am not in the slightest bit surprised to find such crass stupidity exhibited by social workers. I am, however, more surprised to find school teachers showing such a potent mixture of ignorance and misplaced trust. Some observers claim that Ritalin can be considered for a children when tests and clinical examinations have shown the existence of a clear neurological disorder - with abnormal brain wave patterns.

Psychiatrist, psychologist, health visitor, teachers, GP and parents should, it is said, all be considered before considering treatment.

Even the company selling Ritalin says that 'Ritalin treatment is not indicated in all children with this syndrome and the decision to use the drug must be based on the physician's evaluation of the child's history and the duration and severity of symptoms'.

However, despite this, when a team of researchers from the United Nations International Narcotics Control Board examined the records of nearly 400 paediatricians who had prescribed Ritalin they found that half the children who had been diagnosed as suffering from MBD (or ADD or whatever) had not been given psychological or educational testing before being given the drug. The United Nations concluded that frustrated parents, teachers and doctors were too quick to stick a label of ADD onto children with behavioural problems (or, to be more accurate, to children whose behaviour was annoying the parents, teachers and doctors).

Less Than Enthusiastic

I am less than enthusiastic about this drug. In my view, the world would be a healthier place if all supplies of this wretched drug were wrapped in concrete and buried in the rubble of the headquarters of the company making the damned stuff.

You might have guessed by now that I wouldn't prescribe Ritalin for anyone - for anything.

But other doctors clearly don't agree with me. Some observers have described Ritalin as a drug

that can unlock a child's potential. And although estimates about the number of children taking Ritalin vary in the U.S. alone it has been claimed that up to 12 % of all American boys aged between 6 and 14 are being prescribed Ritalin to treat various behavioural disorders. In 1990 the world wide production of the drug was less than three tonnes. By 1994 production of the drug had virtually trebled. It is now not unknown for schools to arrange for children to be treated with Ritalin without obtaining parental permission.

It is worth remembering that although doctors, parents and teachers have for over thirty years now been enthusiastically recommending the use of Ritalin (and similar drugs) in the treatment of MBD there are still a number of unanswered questions.

We still do not know whether the drug works and nor do we know whether it causes any permanent long term damage. We do not know whether the listed potential side effects do more damage than any possible good the drug might do. And, perhaps most astonishing of all, despite the fact that millions of children have been diagnosed as suffering from ADHD, ADD or MBD, and treated with powerful drugs, we do not even know whether any of these conditions - or hyperactivity - really exist.

Back in 1970 the Committee on Government Operations of the U.S. House of Representatives studied the use of behaviour modification drugs on children. At that time around 200,000 to 300,000 children a year in the U.S. were being given these drugs and the point was then made that hyperactivity is considered a disease because it makes it difficult for schools to be run 'like maximum security prisons, for the comfort and the convenience of the teachers and administrators who work in them...'.

Since then the only thing that has changed is that the popularity of Ritalin has continued to rise and rise and rise inexorably.

Prescribing Ritalin is, in my view, authorised child abuse on a massive, global scale. But it is clear that the prescribing of powerful mind altering drugs for small children is big business.

In the US the use of antidepressants and stimulants among toddlers aged between two and four tripled between 1991 and 1995. The period between birth and four years of age is a time of great change in the human body. Most importantly it is a time when the brain is maturing. Heaven knows what effect these drugs have on those tiny developing brains.

Ritalin is now widely prescribed for toddlers. So are many other antidepressants, stimulants and other powerful drugs. Remember: typical symptoms of this alleged disease include 'restlessness' and 'inattentiveness'.

I am delighted that my protests and complaints about these absurd and obscene prescribing habits have drawn a number of vicious complaints from doctors.

In my view every doctor who prescribes such drugs for children with alleged ADHD should be defrocked, given a good thrashing with genetically engineered stinging nettles and forced to emigrate to the USA.

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SB 48

Articles

Fairbanks Daily News-Miner

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Councilman backs bill affecting psychotropic drugs in schools

By CHRIS ESHLEMAN

Staff Writer

Monday, April 10, 2006 - A Fairbanks City Council member is asking the council to support a bill in Juneau that seeks to bar employees in public schools in Alaska from recommending the use of psychotropic drugs by students.

While he thinks it is rare that schools would require children to take drugs like Ritalin or Adderall as a prerequisite of attending, Councilman Lloyd Hilling said he is concerned that school employees in Alaska can recommend parents put their children on the drugs without enough understanding of the possible and proven side effects psychotropics can have.

"Let's let scientific research prove these psychotropic drugs," Hilling said. "Meanwhile, let's not be pushing them."

Hilling has put forward a resolution to the council that, if approved, would support a bill introduced last year in the Alaska Legislature. The bill, sponsored by state Sen. Bettye Davis, D-Anchorage, would, in part, prohibit school employees from recommending that a child take a psychotropic drug as a condition for attending a public school.

The bill has not moved from the Senate since it was introduced over a year ago, but a Senate committee plans to hold a public hearing on it Wednesday.

In a sponsor statement on her bill, Davis said it is important that only physicians suggest the use of psychiatric medication. Davis said the use of the drugs in schools has increased rapidly in recent years, and points to parents' concern regarding the issue of diagnosis.

"There are documented incidences of highly negative consequences in which psychiatric prescription drugs have been utilized for what are essentially problems of discipline," Davis' statement reads.

Hilling said the roles of schools in the prescription of psychiatric drugs has been a concern of his for years. A teacher at the University of Alaska Fairbanks and former teacher's aide, Hilling said he supports Davis' bill in part because it would help require parents around the state to go to doctors for advice without being biased through conversations with school employees.

Chris Eshleman can be reached at 459-7582 or ceshleman@newsminer.com.

March 23, 2006

Panel Advises Disclosure of Drugs' Psychotic Effects

By GARDINER HARRIS

GAITHERSBURG, Md., March 22 — Stimulants like Ritalin lead a small number of children to suffer hallucinations that usually feature insects, snakes or worms, according to federal drug officials, and a panel of experts said on Wednesday that physicians and parents needed to be warned of the risk.

The panel members said they hoped the warning would prevent physicians from prescribing a second drug to treat the hallucinations caused by the stimulants, which one expert estimated affect 2 to 5 of every 100 children taking them. Instead, they said, the right thing to do in such cases was to stop prescribing the stimulants.

On Feb. 9, a different advisory committee voted 8 to 7 to recommend that the Food and Drug Administration place its most serious warning label, a so-called black box, on the labels of stimulants to warn that they could have dangerous effects on the heart, particularly in adults. That recommendation grew out of reports that 25 people, mostly children, had died suddenly while taking the drugs.

Since Ritalin was first approved in the 1950's, stimulants to treat attention deficit disorder and hyperactivity have become among the most widely prescribed medicines in the world. In the United States alone, about 2.5 million children and 1.5 million adults take them; as many as 10 percent of boys ages 10 to 12 do

In addition to Ritalin, two other stimulants, Adderall and Concerta, are popular.

The drugs have been studied in hundreds of trials over five decades and have proven to be extremely effective. But they have always been controversial, with some experts saying they are overprescribed. It is a measure of the difficulty of uncovering the physiological effects of medicines that experts are only now grappling with some of the drugs' serious, though rare, physical and mental effects.

Dr. Thomas B. Newman, an epidemiologist at the University of California, San Francisco, who is a member of the pediatric advisory committee, estimated that out of 100 patients treated for a year with stimulants, 2 to 5 will suffer serious psychotic episodes like hallucinations.

"It's a small number, but it's real," said Dr. Robert M. Nelson, an intensive-care physician at Children's Hospital of Philadelphia and chairman of the committee.

Dr. Kate Gelperin, an F.D.A. drug-safety specialist, told the committee that the agency had discovered a surprising number of cases in which young children given stimulants suffered hallucinations. Most said that they saw or felt insects, snakes or worms, Dr. Gelperin said.

Dr. Gelperin described the case of a 12-year-old girl who said that insects were crawling under her skin. Another child was found by his parents crawling on the ground and complaining that he was surrounded by cockroaches. In both cases, the hallucinations disappeared after drug therapy was stopped. The boy's doctor persuaded his parents to give stimulants again, and his hallucinations reappeared.

F.D.A. officials made clear to the advisory panel that they considered the reports of hallucinations a problem that deserved a label warning.

"We were struck by the hallucinations," said Dr. Rosemary Johann-Liang, deputy director of the division of drug-risk evaluation at the F.D.A. "We felt it was a drug effect."

The agency does not have to follow the conclusions of its advisory panels, but it usually does. Dr. Robert Temple, director of the Office of Medical Policy at the agency, said after the meeting that the agency would "turn quite quickly to implementing the recommendations we've gotten."

Dr. Temple added, "The area of uncertainty is what to do about the black-box warning on cardiovascular risks in adults."

After the advisory committee meeting in February, agency officials said they had no intention in the near future of placing such warnings on stimulant labels about their potential heart risks.

Wednesday's panel, made up mostly of experts in pediatric medicine and psychiatry, discussed only the potential risks of the drugs among children, while February's group focused mostly on the risks to adults. The pediatric panel agreed with the earlier group that children who have heart problems should probably not be given stimulants. But most children who die suddenly from heart ailments never knew they were at risk, and most children put on stimulant therapy are not given thorough heart evaluations.

"You can't screen 2.5 million children" with intensive heart evaluation tests, Dr. Neison said.

■ a near-epidemic rise in the use of Ritalin and other stimulants to treat attention deficit hyperactivity disorder. Potential recruits are ineligible for military service if they have taken such a drug in the previous year.

■ Doctors prescribe these drugs to about 2 million children and 1 million adults a month, according to a federal survey. Many more are believed to be using such stimulants recreationally and to stay awake longer to boost academic and physical performance.

Other potential recruits are rejected because they have criminal histories and too many dependents. Subtract 4.4 million from the pool for these people and for the overweight.

Others can be rejected for medical problems, from blindness to asthma. The Army estimate has subtracted 2.6 million for this group.

That leaves 4.3 million fully qualified potential recruits and an estimated 2.3 million more who might qualify if given waivers on some of their problems.

The bottom line: a total 6.6 million potential recruits from all men and women in the 32 million-person age group.

In the budget year that ended last September, 15 percent of recruits required a waiver in order to be accepted for active duty services – or about 11,000 people of some 73,000 recruited.

Most waivers were for medical problems. Some were for misdemeanors such as public drunkenness, resisting arrest or misdemeanor assault – prompting criticism that the Army is lowering its standards.

This year the Army is trying to recruit 80,000 people; all the services are recruiting about 180,000.

And about the tattoos: They are not supposed to be on your neck, refer to gang membership, be offensive, or in any way conflict with military standards on integrity, respect and team work. The military is increasingly giving waivers for some types of tattoos, officials said.

■ On the Net:

Defense Department career and aptitude exploration site: www.asvabprogram.com

Find this article at:

<http://www.signonsandiego.com/news/military/20060312-0933-unclesamwantsyou.html>

Check the box to include the list of links referenced in the article.

Sun-Sentinel.com

http://www.sun-sentinel.com/news/nationworld/ats-ap_health12mar16,1,3869296.story?ctrack=1&cset=true

More Kids Are Getting Anti-Psychotic Drugs

By LINDSEY TANNER
AP Medical Writer

March 16, 2006, 8:07 PM EST

CHICAGO -- Soaring numbers of American children are being prescribed anti-psychotic drugs -- in many cases, for attention deficit disorder or other behavioral problems for which these medications have not been proven to work, a study found.

The annual number of children prescribed anti-psychotic drugs jumped fivefold between 1995 and 2002, to an estimated 2.5 million, the study said. That is an increase from 8.6 out of every 1,000 children in the mid-1990s to nearly 40 out of 1,000.

But more than half of the prescriptions were for attention deficit and other non-psychotic conditions, the researchers said.

The findings are worrisome "because it looks like these medications are being used for large numbers of children in a setting where we don't know if they work," said lead author Dr. William Cooper, a pediatrician at Vanderbilt Children's Hospital.

The increasing use of anti-psychotics since the mid-1990s corresponds with the introduction of costly and heavily marketed medications such as Zyprexa and Risperdal. The packaging information for both says their safety and effectiveness in children have not been established.

Anti-psychotics are intended for use against schizophrenia and other psychotic illnesses.

However, attention deficit disorder is sometimes accompanied by temper outbursts and other disruptive behavior. As a result, some doctors prescribe anti-psychotics to these children to calm them down -- a strategy some doctors and parents say works.

The drugs, which typically cost several dollars per pill, are considered safer than older anti-psychotics -- at least in adults -- but they still can have serious side effects, including weight gain, elevated cholesterol and diabetes.

Anecdotal evidence suggests similar side effects occur in children, but large-scale studies of youngsters are needed, Cooper said.

The researchers analyzed data on youngsters age 13 on average who were involved in annual national health surveys. The surveys involved prescriptions given during 119,752 doctor visits. The researchers used that data to come up with national estimates.

Cooper said some of the increases might reflect repeat prescriptions given to the same child, but he said that is unlikely and noted that his findings echo results from smaller studies.

The study appears in the March-April edition of the journal *Ambulatory Pediatrics*.

Heavy marketing by drug companies probably contributed to the increase in the use of anti-psychotic drugs among children, said Dr. Daniel Safer, a psychiatrist affiliated with Johns Hopkins University, who called the potential side effects a concern.

Safer said a few of his child patients with behavior problems are on the drugs after they were prescribed by other doctors. Safer said he has let these children continue on the drugs, but at low doses, and he also does periodic tests for high cholesterol or warning signs of diabetes.

Dr. David Fassler, a University of Vermont psychiatry professor, said more research is needed before anti-psychotics should be considered standard treatment for attention deficit disorders in children.

"Given the frequency with which these medications are being used, there's no question that we need additional studies on both safety and efficacy in pediatric populations," Fassler said.

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SB 48

Resolution

Introduced by: Council Member Hilling
Date: April 10, 2006

RESOLUTION NO. 4208

**A RESOLUTION IN SUPPORT OF SENATE BILL 48, WHICH WOULD
PROHIBIT SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING
PRESCRIPTIONS OF PSYCHOTROPIC DRUGS FOR SCHOOL CHILDREN**

WHEREAS, the family of psychotropic drugs, such as the Amphetamine-type Ritalin and Adderall, are often prescribed for school age children in Alaska; and

WHEREAS, school personnel often require or recommend to parents that these drugs be prescribed to ameliorate their children's behavior; and

WHEREAS, such drugs pose significant risk for a multitude of proven negative side effects, including negative transformations of personality and even death; and

WHEREAS, Alaska Senate Bill No. 48, "An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children," is currently being debated in the Alaska State Legislature; and

WHEREAS, the SB 48 would amend the Alaska Statutes by adding 14.30.171, which reads in part "school personnel may not recommend..." [or require that a parent or guardian obtain a prescription for] "...a child to take or continue to take a psychotropic drug..." (a full copy of the Bill is attached);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fairbanks supports adoption of SB 48 and encourages the public to review the Bill and provide input to the legislature.

Passed and Approved this 10th day of April, 2006.

STEVE M. THOMPSON, MAYOR

ATTEST:

APPROVED AS TO FORM

Carol L. Colp CMC, City Clerk

Herbert P. Kuss, City Attorney