

STOP DRUGGING NURSING HOME RESIDENTS WITHOUT THEIR WRITTEN CONSENT

Background. Nursing homes administer antipsychotic drugs to approximately 20 percent of residents nationwide. Sadly, and too often, nursing homes use these drugs as a way of chemically restraining residents exhibiting the behavioral symptoms of dementia, despite the Food and Drug Administration’s (FDA) “black box” warning against using antipsychotic drugs on elderly patients with dementia. The FDA warning provides that the use of these drugs on elderly patients with dementia is associated with a significantly increased risk of death. Antipsychotics are also associated with substantially increased risks of Parkinsonism, falls, heart attacks, and strokes.

Federal Requirements. The Centers for Medicare & Medicaid Services (CMS) expects nursing homes to use individualized, [non-pharmacological approaches](#) to address the behavioral symptoms of dementia prior to the administration of medication. The federal requirements state that staff are only to administer antipsychotic drugs when it is medically necessary to “treat a specific condition as diagnosed and documented in the clinical record,” and that residents must receive gradual dose reductions and behavioral interventions to discontinue their use.¹

Written Consent. Residents have the right to be informed of, and participate in, their care.² Residents also have the right to refuse care.³ However, no federal standard explicitly requires nursing homes to obtain a resident’s (or his or her representative’s) *written* consent prior to administering an antipsychotic drug. Our organizations believe that **CMS must not allow nursing homes to administer an antipsychotic drug to residents without obtaining a signed and written affirmation that the nursing home informed them or their representatives of all information relevant to the administration of the drug.** Some states have already made written, informed consent a requirement for antipsychotic drugging but these protections do not extend to residents outside of those states.

Solution. The failure to require nursing homes to obtain written consent prior to administering an antipsychotic drug may be one reason why there is still a high rate of antipsychotic drugging in nursing homes across the country. The federal government must take meaningful measures to address this ongoing problem by passing legislation specifically requiring nursing homes to obtain written, informed consent.

How Can You Help? Speak out in support of making informed consent a federal requirement by contacting your legislators. Please visit [LTCCC’s Action Center](#) to send a letter to your legislators about the urgent need to protect residents from such abuse.

¹ 42 C.F.R. § 483.45(e).

² 42 C.F.R. § 483.10(c)

³ 42 C.F.R. § 483.10(c)(2).