



# SB 303 (Alquist)

## *Nursing Facility Resident Informed Consent Protection Act of 2009*

### The Problem

Despite dangerous side effects, nearly 60 percent of California nursing home residents are given psychoactive drugs, a 30 percent increase since 2000. Too often, these drugs are used to sedate and control residents instead of responding to medical needs.

Studies have found that up to 40 percent of nursing home residents with dementia are subjected to powerful antipsychotic drugs, such as Zyprexa, Seroquel, Risperdal and Haldol. These drugs were designed to treat serious psychiatric disorders, such as schizophrenia and psychosis, but drug manufacturers have aggressively marketed them to nursing home doctors as a treatment for dementia.

In recent years, the U.S. Food & Drug Administration (FDA) issued its most dire warning – known as a black box warning – that many antipsychotic drugs cause elders with dementia to die. The FDA has never approved use of antipsychotic drugs to treat dementia, yet this type of drug misuse is rampant in nursing homes. These drugs are not only dangerous, they sometimes worsen the agitation and other behaviors they are prescribed to treat.

Nursing home residents rarely see the black box warnings and often receive little, if any, information about the side effects of psychoactive medications. Doctors and nursing homes often ignore California regulations requiring them to obtain or verify informed consent from residents or their legal representatives before using psychoactive drugs.

### Summary

SB 303 will help ensure that nursing home residents and their representatives are better warned about the substantial risks of psychoactive drugs by:

Putting into law existing rules that establish a resident's right to informed consent concerning the use of psychoactive drugs;

Specifying that residents and their representatives must be informed in writing about the content of black box warnings for proposed drugs and whether the drug's purpose has been approved by the FDA;

Clarify that the Department of Public Health shall inspect nursing homes for compliance with informed consent requirements during licensing inspections.

**Support SB 303 to help fight against misuse of psychoactive drugs in nursing homes.**

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