

AB 1809 (Aguiar-Curry)

Nursing Facility Resident Informed Consent Protection Act of 2022

Inappropriate Psychotropic Drug Use Is Once Again on the Rise.

Despite dangerous side effects, condemnation by care providers, and a decade-long national and state campaign to reduce the inappropriate use of psychotropic drugs in nursing homes, over half of California nursing home residents are being given psychotropic drugs. The rate of psychotropic drug use in nursing homes has alarmingly increased during the pandemic, as more facilities have turned to sedating drugs to control and manage residents. Drug misuse is often due to a lack of meaningful and enforceable informed consent standards. Ten years after a [California Department of Public Health initiative](#) found that 63% of surveyed facilities violated residents' informed consent rights, informed consent violations remain routine and pervasive.

A [recent New York Times story](#) concluded that 21% of nursing home residents are given antipsychotics, a powerful and dangerous class of psychotropic drugs, typically to treat dementia even though such drugs *double the risk of death* for people with dementia. The story found that not only are residents being inappropriately drugged, their diagnoses are manipulated to hide the drug use from regulators. Inappropriate drugging is sometimes used as a substitute for adequate facility staffing but regulators are largely unmoved due to shoddy data reporting as well as resignation and indifference.

Information and Choice is Our Best Protection Against Inappropriate Psych Drug Use.

AB 1809 will reduce inappropriate drugging of nursing home residents by ensuring a more robust informed consent process and enhanced enforcement of informed consent violations. The bill will:

- Codify and expand existing rules that establish residents' rights to informed consent before receiving a psychotropic drug;
- Specify that residents and their representatives must be informed in writing about the content of Black Box drug warnings and whether the drug's purpose has been approved by the FDA; and
- Provide for increased public and private enforcement of informed consent requirements.

Most importantly, AB 1809 ensures nursing home residents are given important information about drugs that are prescribed for them and a fair opportunity to consent or withhold consent.

For more information about AB 1809, please go to www.canhrlegislation.com

AB 1809 is proudly sponsored by California Advocates for Nursing Home Reform.