




Did You Know?

Most California physicians who provide care for residents of skilled nursing facilities are already well aware that under California law, physicians are responsible for obtaining informed consent for the use of antipsychotic (and other psychotropic) medications in nursing homes. California Health and Safety Code section 1418.9 addresses this issue.*

Before administering an antipsychotic medication to a resident, nursing home staff must verify that the prescriber has indeed provided to the resident, or the residents' legal representative, information about the recommended medication and its effects, so that the resident or legal representative can truly provide informed consent.

A RESIDENT OR HIS OR HER LEGAL REPRESENTATIVE HAS THE RIGHT:

-  To know the relative risks, benefits, and alternatives of an antipsychotic medication before consenting or refusing to consent to its use.
-  To accept or reject the use of antipsychotic medications, even when a health care provider recommends them.
-  To ask what non-pharmacological alternatives are available, and whether the facility has tried those alternatives before the physician recommends that medication.

The Food and Drug Administration (FDA) does not approve of the use of antipsychotic medications for the treatment of behavioral symptoms in elders with dementia. The FDA requires drug manufacturers to place a “black box” warning on antipsychotic drugs, indicating that dementia patients treated with antipsychotic medication are at an increased risk of death.



*1418.9. (a) If the attending physician and surgeon of a resident in a skilled nursing facility prescribes, orders, or increases an order for an antipsychotic medication for the resident, the physician and surgeon shall do both of the following:

- (1) Obtain the informed consent of the resident for purposes of prescribing, ordering, or increasing an order for the medication.
- (2) Seek the consent of the resident to notify the resident's interested family member, as designated in the medical record. If the resident consents to the notice, the physician and surgeon shall make reasonable attempts, either personally or through a designee, to notify the interested family member, as designated in the medical record, within 48 hours of the prescription, order, or increase of an order.

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