May 30, 2023

**RE: AB 48 (Aguiar-Curry) SUPPORT**

The Honorable Cecilia Aguiar-Curry

Assemblymember, California State Assembly

1021 O Street, Suite 6350

Sacramento, California 95814

Dear Assemblymember Aguiar-Curry:

Yolo Healthy Aging Alliance is a nonprofit organization whose mission is to enhance the wellbeing of older adults in Yolo County through education, collaboration, and advocacy. We work to identify and address gaps in services and connect people to the many resources and services throughout the County for our senior, rural and under-served communities to ensure access for all residents in our County.

Yolo Healthy Aging Alliancestrongly supports AB 48 which establishes the Nursing Facility Resident Informed Consent Protection Act of 2022. This bill if enacted will protect nursing facility residents from the excessive use of psychoactive drugs.

Unfortunately, some nursing homes in the United States, including California, routinely give antipsychotic drugs to residents with dementia to control their behavior, despite rules against the misuse of such drugs as “chemical restraints.” These chemical restraints are being prescribed to sedate and subdue residents, who often use behavior to communicate their pain, discomfort, or distress. AB 48 will help stem this practice in California.

Psychotherapeutic drugs were developed to treat mental health disorders, but are routinely misused to subdue nursing home residents with dementia. The United States Food and Drug Administration (US FDA) has never approved most psychotherapeutic drugs as safe and effective for treatment of dementia symptoms, but some nursing homes inappropriately use these drugs to manage patients with dementia. Studies have shown that antipsychotic drugs that are meant to treat schizophrenia can have dangerous side effects and nearly double the risk of death in older people with dementia. The US FDA requires manufacturers to label them with the strongest “black box” warning about the risks they pose to people with dementia. In 2012, the federal Centers for Medicare & Medicaid Services announced an initiative to reduce the misuse of antipsychotic medications, but providers have switched to using other psychotherapeutic drugs. A 2022 report by the Unites States Department of Health and Human Services found that 80% of long-stay nursing home residents are now receiving psychotherapeutic drugs. The report also found that this disproportionately impacts residents in nursing homes with higher percentages of residents with low-income subsidies. Facilities administer these drugs in many cases without obtaining informed consent from residents or their families, so residents and families may be unaware of the potential side effects.

AB 48builds on existing protections for nursing home residents in state law and regulations, codifying and expanding rules to establish a nursing home resident’s right to provide or withhold written informed consent pertaining to the use of psychotherapeutic drugs and the right to be free from chemical restraint. This bill also specifies 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 proposed use has been approved by the FDA. Finally, AB 48 requires the Department of Public Health to evaluate nursing facility compliance with these provisions during periodic state licensing inspections.

Thank you for your consideration of our SUPPORT position on AB 48. Please include Yolo Healthy Aging Alliance on your list of supporters and contact **Sheila Allen** at sheila.allen@yolohealthyaging.org with additional questions.

Sincerely,

Sheila A. Allen, RN, PhD

Executive Director, Yolo Healthy Aging Alliance