Dear Prescriber:

Most California physicians who provide care for residents of skilled nursing facilities know that under California law, physicians are responsible for obtaining informed consent for the use of antipsychotic medications in nursing homes. California Health and Safety Code Section 1418.9 states, in part:

*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 . . . obtain the informed consent of the resident for purposes of prescribing, ordering, or increasing an order for the medication.*

Before administering an antipsychotic medication to a resident, nursing home staff must verify that the prescriber has indeed provided to the resident, or the resident’s legal representative, information about the recommended medication and its effects, so that the resident or legal representative can truly provide informed consent. (22 Cal. Code Regs. Section 72528)

A resident or his or her legal representative has the right to accept or reject the use of antipsychotic medications, even when a health care provider recommends them. A resident or his or her legal representative has the right to ask what non-pharmacological alternatives are available, instead of the use of drugs, 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 has asked drug manufacturers to place a "black box" warning on antipsychotic drug labels, indicating that physicians who treat elders with dementia with antipsychotic drugs are at an increased risk of death. 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.

Please be aware the failure to provide information to residents or legal representatives and obtain informed consent can result in a citation to this facility from the Department of Public Health. Therefore, our policy is to have prescribers complete and sign a written verification of informed consent form anytime a psychotropic medication is prescribed for one of our residents. Enclosed is the form we are using to verify informed consent for antipsychotic medications, developed by the California Partnership to Improve Dementia Care.

Thank you for the care and attention you provide to our residents.

Sincerely,

Administrator Medical Director