

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## **CONSUMER FACTSHEET: ANTIPSYCHOTIC DRUGGING**

This factsheet discusses two of the principal antipsychotic drugging standards and how you can use them to advocate for your resident. This page provides the major points from the federal regulations. The next page provides tips on what YOU can do to advocate for better care.

### **STANDARD 1: PHARMACY SERVICES**<sup>1</sup> [42 CFR §483.45]

- *Residents who have not used psychotropic drugs are not given these drugs unless the medication is necessary to treat a specific condition as diagnosed and documented in the clinical record;*
- *Residents who use psychotropic drugs receive gradual dose reductions, and behavioral interventions, unless clinically contraindicated, in an effort to discontinue these drugs;*
- *Residents do not receive psychotropic drugs pursuant to a PRN [dispense as needed] order unless that medication is necessary to treat a diagnosed specific condition that is documented in the clinical record; and*
- *PRN orders for psychotropic drugs are limited to 14 days.*

### **STANDARD 2: BEHAVIORAL HEALTH SERVICES**<sup>2</sup> [42 CFR §483.40]

- *Each resident must receive and the facility must provide the necessary behavioral health care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care. Behavioral health encompasses a resident's whole emotional and mental well-being...*
- *The facility must have sufficient staff who provide direct services to residents with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental and psychosocial wellbeing of each resident, as determined by resident assessments and individual plans of care....*

*These competencies and skills sets include, but are not limited to, knowledge of and appropriate training and supervision for:*

- (1) Caring for residents with mental and psychosocial disorders... and*
- (2) Implementing non-pharmacological interventions.*

- *Based on the comprehensive assessment of a resident, the facility must ensure that.... A resident who displays or is diagnosed with dementia, receives the appropriate treatment and services to attain or maintain his or her highest practicable physical, mental, and psychosocial well-being.*

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<sup>1</sup> Formerly Free From Unnecessary Drugs [F-329 - 42 CFR 483.25(l)(2)(i, ii)]. The regulation provides exceptions to the PRN 14 day limitation based on evaluation by physician or prescribing practitioner.

<sup>2</sup> Formerly Necessary Care for Highest Practicable Well-being [F-309 - 42 CFR 483.25].

## QUESTIONS TO ASK WHEN ANTIPSYCHOTIC DRUGS ARE GIVEN OR PROPOSED

1. What specific, documented symptoms or behaviors prompted use of the drug(s)?
2. Have all possible medical, emotional and environmental causes been ruled out (such as fear, boredom, constipation, an underlying infection or change in caregiving routine)?
3. What alternative treatments have been tried? What other alternatives are there?
4. What are the potential benefits and risks of the drug?
5. Is this the lowest possible dosage of the drug?
6. How will the drug effect the resident medically and mentally?
7. What is the planned time frame for treatment with the drug?
8. What is the plan for employing non-pharmacological approaches?
9. What is the plan for gradual dose-reduction?
10. When and how often will the need for the drug be reassessed?
11. How will side effects be monitored?

**Remember to take notes. Include dates of discussions and with whom you spoke.**

## THINGS TO DO

- **Review medications.** Periodically request a complete list of current medications from the nursing home and/or review the resident's medication administration records kept by the facility (especially if unauthorized drugging is suspected).
- **Care plan meeting.** Ask for a care plan meeting to discuss the need for proposed antipsychotic drugs. Use the care plan meeting to determine if the drug is really needed and whether the home has carefully considered all alternatives. See box, above, for Questions to Ask.
- **Know about federal standards & guidelines.** They are an important resource for knowing the standards of care and legal expectations for the treatment of residents. ***Remember: Its hard to advocate for your resident's rights if you don't know what they are!***
- **File a complaint.** If you discover that psychotropic drugs are being used without consent, and you are not able to make headway with facility staff, you can notify your local LTC Ombudsman [[www.ltombudsman.org](http://www.ltombudsman.org)] and/or file a complaint with your state survey agency [<https://www.medicare.gov/nursinghomecompare/resources/state-websites.html>] and/or your state Medicaid Fraud Control Unit [<http://www.namfcu.net/medicaid-fraud-control-unit1.php>].

## RESOURCES

- **[WWW.NURSINGHOME411.ORG](http://WWW.NURSINGHOME411.ORG).** LTCCC's website includes materials on the relevant standards for nursing home care, a listing of antipsychotic drug names and other resources.
- **[WWW.THECONSUMERVEICE.ORG](http://WWW.THECONSUMERVEICE.ORG).** The Consumer Voice has numerous materials and resources for residents, family members and LTC Ombudsmen.
- **[WWW.MEDICARE.GOV/NURSINGHOMECOMPARE](http://WWW.MEDICARE.GOV/NURSINGHOMECOMPARE).** The federal website provides information on nursing homes nationwide. LTCCC recommends looking carefully at star ratings, particularly for RN staffing, and whenever possible choosing a facility with 4 – 5 stars.