

Approx. One in Five New York Nursing Home Residents Receive Dangerous Antipsychotic Drugs Despite “Black Box” Warning & Federal Campaign to Reduce Chemical Restraints of Elderly Residents

Study Finds Little Enforcement of Minimum Standards of Care, Though NY Failed to Achieve National Goal to Reduce Chemical Restraint of Residents with Alzheimer’s & Other Dementia

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NEW YORK, April 30, 2014: Inappropriate antipsychotic drug use is a widespread, national problem in nursing homes. Despite the FDA’s ‘black box’ warning against using powerful and dangerous antipsychotics on elderly patients with dementia, they are frequently used to treat symptoms of the disease, including so-called behavioral and psychological symptoms of dementia. These drugs are often used as a form of chemical restraint, stupefying residents so that they are more easy to care for. In addition to destroying social and emotional well-being, these drugs greatly increase risks of stroke, heart attack, Parkinsonism & falls.

Approximately one in five nursing home residents are given these drugs every day in New York nursing homes, though only one percent of the population will ever be diagnosed with a psychotic condition. As the U.S. Inspector General Daniel Levinson stated in 2011, “Too many [nursing homes] fail to comply with federal regulations designed to prevent overmedication, giving nursing home patients antipsychotic drugs in ways that violate federal standards for unnecessary drug use.” **The Inspector General concluded, “Government, taxpayers, nursing home residents, as well as their families and caregivers should be outraged – and seek solutions.”** [Emphasis added.]

In response to the Inspector General’s report and advocacy by nursing home resident representatives, including LTCCC, the federal Centers for Medicare and Medicaid Services (CMS) began a national antipsychotic drugging initiative in March 2012. Nursing homes in New York and across the country were charged with reducing their antipsychotic drug use by 15% by the end of 2012, with additional goals to come.

Goals of the study: (1) review and assess the success of this campaign, particularly in respect to New York State’s nursing home residents, and (2) assess whether enforcement actions corresponded with the scope and breadth of the antipsychotic drugging problem in New York.

Key findings: (1) Widespread use of dangerous chemical restraints persist throughout the state; (2) Nursing homes vary widely in their use of antipsychotic drugs, from under 2% to close to 50%; (3) Where one lives in NY makes a difference: the Western region had lower drugging and better enforcement of standards, while the NY City Metropolitan area had the highest drugging rates and lower enforcement; (4) Overall, state enforcement of standards for dementia care and the use of dangerous antipsychotics is minimal and largely ineffective because, even when

violations are found, they are rarely identified as having caused harm to the individual who was drugged.

Recommendations: The study includes recommendations for each of the key agencies responsible for protecting nursing home residents and ensuring the integrity of the Medicaid system, which pays for the large majority of nursing home long term care. It includes specific steps that the state and federal oversight agencies (the NY Department of Health and federal Centers for Medicare and Medicaid Services) can take to better identify and effectively crack down on harmful and illegal nursing home drugging practices.

“Fundamentally, residents, families and advocates should know about the drugging rates in the nursing homes in their community and choose a facility accordingly,” said Richard Mollot, author of the study. **“Most importantly, however, the state must enforce basic standards of dementia care and chemical restraint use - all residents have the right to live safely, with dignity, and without being unlawfully restrained by the nursing homes that have been entrusted with their care. That is the level of care that the public pays for, and that is the level of care which we all deserve.”**

The full report includes information on every nursing home in the state and identifies rates of drugging for the last three years, as well as relevant enforcement actions. It is available at <http://www.nursinghome411.org/articles/?category=antipsychoticlaws>. That website page includes interactive data tables that can be used to search drugging and enforcement rates for nursing homes individually, by county and by region of the state.

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LTCCC is a non-profit organization dedicated to protecting the rights and welfare of long term care consumers in all settings, including nursing homes, assisted living facilities and the community, through policy research, systemic advocacy and public education. For more information on this and other long term care issues, visit our website: www.ltccc.org.