February 23rd, 2023

The Honorable Jim Wood
Chair, Assembly Health Committee
1020 N Street, Room 390
Sacramento, CA 95814

RE: AB 48 (Aguiar-Curry) – Support

Dear Chair Wood,

The California Alliance for Retired Americans (CARA), one of the state’s foremost grassroots senior and disability advocacy organizations, representing over 1 million Californians, is proud to sponsor AB 48 (Aguiar-Curry), which will protect nursing facility residents from the excessive use of psychotropic drugs.

Despite dangerous side effects, condemnation by care providers, and a decade-long national and state campaign to reduce the inappropriate use of psychotropic drugs in nursing homes, well over half of California nursing home residents are being given psychotropic drugs. The rate of psychotropic drug use in nursing homes has alarmingly increased during the pandemic, as more facilities have turned to sedating drugs to control and manage residents. Ten years after a California Department of Public Health initiative found that 63% of surveyed facilities violated residents’ informed consent rights, informed consent violations remain routine and pervasive.

On November 17, 2022, the Office of Inspector General for the U.S. Department of Health and Human Services (OIG) released a report documenting the failure of an over ten-year effort by the Centers for Medicare & Medicaid Services (CMS) to reduce the inappropriate use of psychotropic medications in nursing homes. The OIG report found that 80% of nursing home residents are routinely receiving psychotropic drugs. In addition, the OIG confirmed that not only are residents being inappropriately drugged, their diagnoses are manipulated to hide the drug use from regulators, a fact first reported in a 2021 New York Times story.

Information and choice are nursing home residents’ best protection against inappropriate psychotropic drug use and AB 48 will better ensure residents have information and choice by:

● Codifying and expanding existing rules that establish residents’ rights to informed consent before receiving a psychotropic drug;

● Specifying that residents and their representatives must be informed in writing about the content of Black Box drug warnings and whether the drug’s purpose has been approved by the FDA; and
Providing for increased enforcement of informed consent requirements.

Most importantly, AB 48 ensures nursing home residents are given important information about drugs that are prescribed for them and a fair opportunity to consent or withhold consent.

Affording Seniors viable resources to age with grace, dignity and independence - such as improving the conditions in nursing home facilities - not only represent CARA’s foundational principles but we believe will ensure a safer, more accessible and inclusive California for our aging community.

Please vote yes on AB 48.

Sincerely,

Hene Kelly
Chair, Legislative Committee
California Alliance for Retired Americans (CARA)

Keith Umemoto
Co-Chair, Legislative Committee
California Alliance for Retired Americans (CARA)