

# SB 938 (Jackson)

## *Ensuring Appropriate Care for Conservatees with Dementia*

### The Problem

In the last 20 years, we have learned that psychotropic drugs are extremely dangerous for elderly people with dementia and should only be used as a last treatment resort. We have also learned the overuse of these drugs is widespread, which has led to an unprecedented federal and state effort to promote drug-free dementia care.

Current state law permits conservators to “authorize the administration of medications appropriate for the care and treatment of dementia.” In 2005, the Food and Drug Administration required all antipsychotic medications, which are a class of psychotropic drugs, to include a black box warning that these medications nearly double the risk of death in elderly people with dementia. Recent studies have shown that antipsychotic and anti-anxiety drugs can worsen the cognitive ability of a person with dementia and may exacerbate behavioral problems.

In 2012, the Centers for Medicare & Medicaid Services launched a national campaign to improve the care for persons with dementia by reducing the use of antipsychotic drugs in nursing homes. This followed a federal report that over half of the antipsychotic use in nursing homes does not meet the federal guidelines for appropriate use. A 2015 General Accounting Office report found similar widespread antipsychotic misuse in home and community-based care settings.

### The Solution

To reflect the current understanding of the effects of psychotropic drugs for people with dementia and to provide better protection through judicial oversight of the administration of these drugs, SB 938 requires greater detail from the conservatee’s treating health care provider to demonstrate that a proposed psychotropic drug prescription is appropriate *and* the least intrusive treatment alternative before a court can approve the use of psychotropic drugs for a conservatee with dementia.

SB 938 also updates the definition of dementia to reflect the latest Diagnostic and Statistical Manual of Mental Disorders (DSM) classification of “major neurocognitive disorders.”

### Summary

SB 938 gives California a long overdue update to ensure that conservatees with dementia are not given unnecessary drugs that inhibit their ability to express their needs. By requiring more specific disclosures from the conservatee’s treating health care provider, the bill will provide greater assurances that proposed drug treatments are appropriate.

**Support SB 938 to Ensure Proper Treatment for Conservatees with Dementia!**

# CANHR

*Long Term Care Justice and Advocacy*

650 Harrison Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94107

Tel: (415) 974-5171  
Fax: (415) 777-2904

[www.canhr.org](http://www.canhr.org)  
[canhrmail@canhr.org](mailto:canhrmail@canhr.org)

To help pass SB 938 and ensure proper treatment for conservatees with dementia, please write and send a support letter to the Senate Judiciary Committee, with copies to Senator Hannah-Beth Jackson, and CANHR at:

Senate Judiciary Committee  
State Capitol, Room 2187  
Sacramento, CA 95814  
Fax: (916) 445-8390

Senator Hannah-Beth Jackson  
State Capitol, Room 2032  
Sacramento, CA 95814  
Fax: (916) 651-4919

California Advocates for Nursing Home Reform  
650 Harrison St., 2<sup>nd</sup> Floor  
San Francisco, CA 94107  
Fax: (415) 777-2904

### **SAMPLE LETTER:**

Dear Senate Judiciary Committee:

I am writing in strong support of SB 938, a bill to modernize conservatorship “dementia powers” in Probate Code Section 2356.5. This important bill updates the conservatorship definition of dementia and helps ensure appropriate treatment for conservatees with dementia.

In the 20 years since Section 2356.5 was adopted, we have learned that antipsychotic drugs nearly double the risk of death for an elderly person with dementia and they often exacerbate behavioral problems. Additionally, anti-anxiety drugs have been placed on the American Geriatric Society’s *Beers* List of Potentially Inappropriate Medication Use for Older Adults with an “avoid” recommendation for people with dementia because of a very high risk/benefit ratio.

SB 938 will help protect conservatees with dementia against inappropriate treatment by requiring greater detail from the conservatee’s treating health care provider to demonstrate that a proposed psychotropic drug prescription is appropriate *and* the least intrusive treatment alternative.

Please help ensure proper treatment for people with dementia by voting “yes” on SB 938.

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