



Committee Analysis Sheds Light on Longstanding Misuse of Antipsychotics, Minimal Enforcement to Prevent Patient Harm in Nation's Nursing Homes

Despite decades of policy and regulation aimed at reducing the misuse of chemical and physical restraints, U.S. nursing homes continue to inappropriately drug hundreds of thousands of America's frailest and most vulnerable residents with antipsychotics. This story of patient harm, inadequate oversight, and insufficient staffing is one that continues across the country – and it is one of avoidable heartbreak.

A Ways and Means Committee analysis, “Under-Enforced and Over-Prescribed: The Antipsychotic Drug Epidemic Ravaging America's Nursing Homes,” released on July 28, 2020, found that nursing homes continue to use antipsychotics at unnecessarily high rates. The Nursing Home Reform Act (NHRA) of 1987 outlawed the inhumane use of chemical and physical restraints for residents of skilled nursing facilities (SNFs), but the practice persists – with little enforcement on the part of the Trump Administration.

Every year, hundreds of thousands of nursing home residents are exposed to harm from the misuse of antipsychotics.

- **Approximately 20 percent of all SNF residents in the United States – about 298,650 people every week – received some form of antipsychotic medication** in the fourth quarter of 2019, while only about two percent had qualifying conditions for such drugs.
- Antipsychotics have a black box warning from the Food and Drug Administration, and the off-label use of antipsychotics **can be particularly harmful for frail, elderly patients, leading to injuries, hospitalizations, and even death.**

Citations for antipsychotic misuse in SNFs increased by 200 percent between 2015 and 2017 but declined by 22 percent from 2017 to 2018 as the Trump Administration rolled back Obama-era patient protections and enforcement penalties.

- Data showed a 200 percent increase in the rate of citations for unnecessary antipsychotic use from 2015 to 2016, when more stringent Obama-era nursing home regulations went into full effect. From 2016 to 2017, the average national citation rate remained relatively stable, decreasing by 3.9 percent nationwide. The Trump Administration's de-regulation campaign resulted in a 22 percent decline in citations from 2017 to 2018.

Under the Trump Administration, little enforcement occurred even when state surveyors cited instances of patient harm. No fine was issued for 10 percent of antipsychotic-related citations for Actual Harm or Immediate Jeopardy to a resident’s health or safety.

- In 2017-2018, surveyors issued 70 citations for “Actual Harm” or “Immediate Jeopardy” across the country. Only 0.02 percent of all antipsychotic citations (41 of 5,704) from 2017-2018 documented “Actual Harm” or “Immediate Jeopardy,” despite the clear safety concerns with prescribing these medications for this population. Nearly one-fourth of these citations were associated with a fine of less than \$20,000, and almost 10 percent of these citations resulted in *no penalty*.