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LEGISLATIVE TESTIMONY

To: Joint Committee on Mental Health and Substance Abuse

From: James F. Driscoll, Esq., Executive Director

Re: House Bill 3265, "An Act relative to psychoactive drugs."

Date: September 24, 2015

The Massachusetts Catholic Conference ("MCC") respectfully submits this testimony in support of House Bill 3265, "An Act relative to psychoactive drugs."

House Bill 3265 would provide that before administering a psychoactive medication to a patient, a facility, "shall obtain written informed consent from the patient or, if the patient is incapacitated, a legal representative of the patient." The act defines psychoactive medication as any medication used for "managing behavior, sleep disorders, stabilizing mood, or treating psychiatric disorders." Facilities would also be required to obtain informed consent either from the patient or the patient's legal representative should the dosage of the psychoactive medication need to be increased.

In a 2013 report on the subject of the overuse and misuse of psychoactive medication, the *Boston Globe* brought the problem to light. The *Globe* reported that sedative use had dropped at nursing homes in Massachusetts. However, inappropriate use of antipsychotic medication remains a problem and is largely unregulated. Overuse of antipsychotic medication is not only a breach of trust and contrary to the dignity of the human person, it can also be extremely dangerous. As the *Globe* reported, "The use of antipsychotics in nursing homes is especially troubling because roughly half of the residents in Massachusetts' 427 nursing homes have Alzheimer's disease or a similar cognitive impairment which puts them at greater risk of death when given antipsychotic medications."¹

The use of antipsychotic medication is often a quick way to control a patient who may be "misbehaving." However, it is far from the only option available to the caregiver. The *Globe* report continues, offering the case of a man who, although confined to a wheelchair and having suffered a stroke, dementia, and other mental problems, remained violent and quite strong. After being taught coping skills and anger management skills, the man was removed from antipsychotics, "his behavior and condition improved so much...he was able to move to assisted living, where he was reunited with his beloved cat."²

The Catholic Church teaches that life is precious from the moment of conception until the moment of natural death. The Church worked to defend the dignity of the human person in speaking out against the legalization of physician-assisted suicide. The Catholic Church also has a long history of caring for the elderly, sick, and infirmed in its health institutions, nursing homes, and hospitals. Anything, including the overuse or inappropriate use of antipsychotic medication, that robs the most

¹ Lazar, Kay, *The Boston Globe*, "Sedative use drops at nursing homes," July 12, 2013.

² *Id.*

vulnerable of their dignity, is deeply concerning and contrary to the level of care and compassion that should be afforded to those in the last phases of their life.

For these reasons, the Massachusetts Catholic Conference asks that the Committee give House Bill 3265 a favorable report.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.