

Is medication being used to control you?

Fact Sheet: Elder rights in residential aged care.



This fact sheet is for general information purposes only and does not represent legal advice. As it is not intended to be comprehensive in relation to the topic, other inclusions or exemptions may apply.

Medication which influences behaviour.

When medication is given for the primary purpose of influencing an aged care resident's behaviour, it is known as chemical restraint. This definition excludes medication prescribed for a diagnosed mental or physical condition, or end of life care. Chemical restraint is a type of restrictive practice.

A restrictive practice is any action that restricts the rights or freedom of movement of a resident. Under the [Aged Care Act](#), a restrictive practice may only be used as a last resort for the purpose of preventing harm to the resident or other persons.*

What does chemical restraint look like?

William, age 78, aged care resident.

William has a diagnosed history of schizophrenia, which is managed by his long-term psychiatrist and GP. He has been prescribed Risperidone and says he is happy and sociable while on this medication. William understands the medication has been prescribed to treat his condition, and his doctors have determined he is able to give his own consent.

This is *not* chemical restraint. The medication is used to treat a diagnosed mental condition and William is consenting.

June, age 81, aged care resident.

June was diagnosed with dementia 5 years ago and takes Aricept. Since moving into an aged care home, June has become agitated and restless. An attending G.P is asked to prescribe June Valium to make her calmer in the short term while she adjusts. June's husband Raymond notices that June is often drowsy. Staff then inform Raymond that June has been given medication to make her feel relaxed.

This *is* chemical restraint. Although June's behaviours are related to her dementia, Valium has been prescribed for the primary purpose of influencing her behaviour.

Giving June the medication in these circumstances may be unlawful.

When is chemical restraint unlawful?

If medication is prescribed to a resident to influence their behaviour, the aged care provider is legally required to make sure:

- The medication is used as a last resort for the purpose of preventing harm to the resident or others.
- Concerning behaviour is documented, assessed by a health professional with day to day knowledge of the resident and alternative strategies are firstly explored.
- Consent to the medication is provided by the resident, if appropriate, or their substitute decision maker, who have the right to refuse.
- The use of the medication is monitored and regularly reviewed.

If you are unsure of your rights or feel they are being breached, Aged Care Justice can organise a free consultation with an aged care lawyer.

Aged Care Justice is a not-for-profit charity supporting aged care residents and their families through legal support, education and reform.



Contact Aged Care Justice who can provide access to legal support:

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