



Assessing Capacity in Elder Abuse

Bonnie J Olsen, PhD

Professor of Clinical Family Medicine

Keck School of Medicine of USC

June 24, 2019

Conceptual Basis

Autonomy:

YOU HAVE THE RIGHT TO MAKE YOUR OWN
DECISIONS,
GOOD OR BAD,
STUPID OR SMART,
WHETHER OTHERS AGREE OR NOT

So long as you have
the CAPACITY to make them & you are not
UNDULY INFLUENCED.

Self-Determination

People have the right to choose:

- How they want to live
- Where they live
- How they spend their money
- What kind of medical care they get
- How they want to die

Balance between:

- Paternalism and Self-Determination
- Protection and Autonomy
- Safety and Risk

Types of Capacity

Capacity to do what?
Capacity to decide what?

Forms of Capacity

- Decision Making Capacity
- Executive Capacity

Decision Making Capacity

- Sign a contract (purchase an annuity)
- Sign a will (testamentary capacity)
- Give away property/assets
- Medical decision making (take a medication, treat a condition, leave a facility)
- Identify alternative decision makers (DPOA, successor trustee, executor)
- Decline services

What's a "Decision"?

- Understand the facts surrounding the decision
- Appreciate the impact of the decision including one's capabilities & limitations
- Have the reasoning to generate alternative choices, anticipate consequences, and evaluate/compare
- Choosing the one that is best for oneself

Executive Capacity

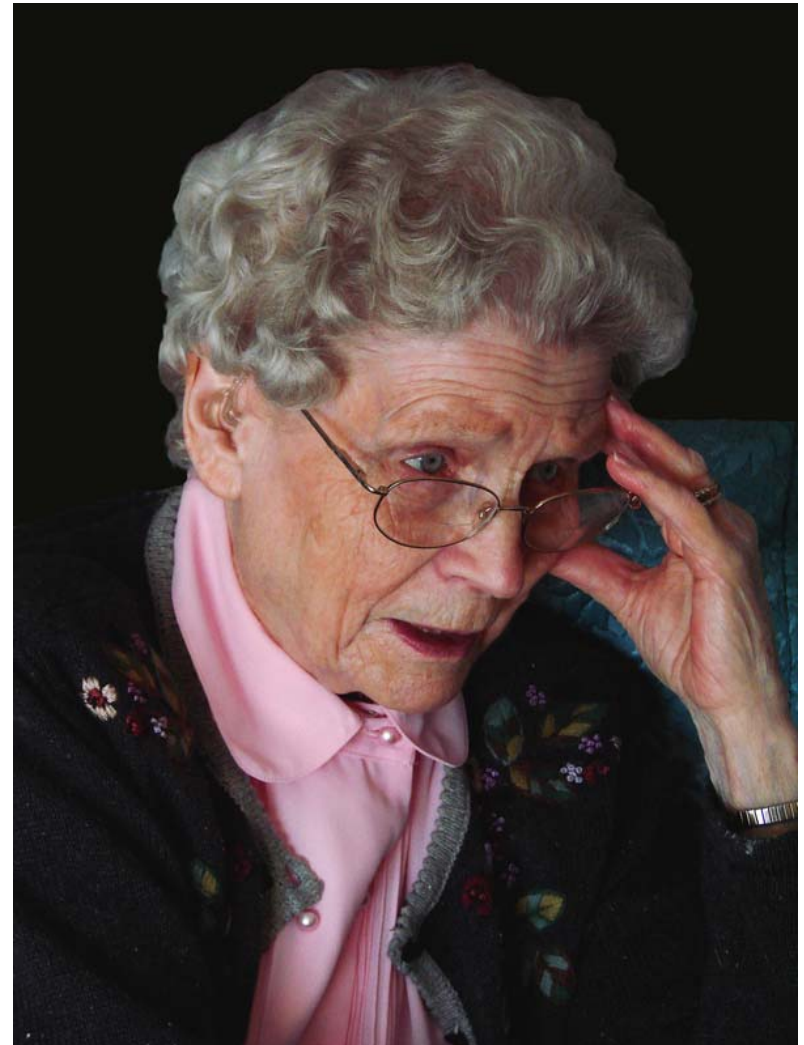
- Manage finances (pay bills, pay taxes, cash transactions)
- Maintain home (tend to yard, fix broken pipe)
- Tend to personal grooming
- Plan meals, shop for food and prepare meals
- Take medications as prescribed

Executive Capacity

- Can you execute your decision?

Case: Mrs. Evans

- **85 y/o woman being investigated for self neglect**
- Multiple falls & hospitalizations
- Large number of medications
- Questions:
 1. Does she want to take her medications as prescribed? (decisional capacity)
 2. Is she able to manage her medical needs ? (executive capacity)



Assessing Capacity: A Four-Step Process

Step One: Can the person process information and think logically in general terms?

Does the machinery work?

- **You have to actually test for it.**
- **Common mistake is to assume it's OK**

Cognitive Assessment Domains

1. Attention, concentration
2. Orientation, Short-term memory
3. Retrieval of long-term memory
4. Language: comprehension and expression
5. Visual-spatial abilities
6. Reasoning
7. Executive Functions

Can The Person Behave Logically, Rationally and Abstractly?

“Executive Functions”

logic

organize

consequences

plan

judgment

alternatives

insight

reason

Objective Measures of Cognition

- Neuropsychological Test Battery
- Mini Mental Status Exam (MMSE)
- Montreal Cognitive Assessment (MoCA)
- Saint Luis University Mental Status Examination (SLUMS)
- Cognitive Abilities Screening Instrument (CASI)
- Trail Making Test (TMT)

Evaluating Cognition

- Open ended questions:
Tell me about your family...
How did that work out for you?
What are you most worried about?
- Closed ended questions:
What is your address?
Where is your son right now?
How do you get your medications?

Case: Dr. Richards

- Retired university prof of English literature
- Social and outgoing, gregarious
- Humor and intellectualization
- Testing revealed significant cognitive impairment
- Responding to phone scams

Subjective Measures of Cognition

- Listen for repeats
- Listen for odd words/phrases/verbal mistakes
- Push for specificity in responses
(so help me understand, was it like this... or like this...)

Avoidance Strategies

- Changing the subject
- Using humor, charming
- Asking you a question
- Giving an “all-purpose answer”

Step Two: Assess for Other Deficits

- Mood disorders - depression & anxiety
- Perceptual disturbances - hallucinations
- Thought disorders – delusions
- Sensory loss – hearing & vision
- Medical conditions, physical limitations
- Functional: ADL's & IADL's

Case: Mrs. Perez:

- 65 y/o widow, lives alone in own home
- Believes neighbors are poisoning her
- Hires contractor to install security system
- Charged \$300,000 for a system that was worth \$24,000



Step Three:

The Interview - *THIS* Decision

- Reason for the decision
- Consequences of the decision
- Benefits & risks of the decision
- Alternatives considered
- Consistency of the decision

Structured Methods to Assess Decisional Capacity

- ACED Assessing Capacity for Everyday Decisions
- EXIT25 Executive Interview
- LFDSS Lichtenberg Financial Decision Screening Scale
- FCI Financial Capacity Instrument

Step Four:

- Obtain information from collateral sources (family, caregivers, APS, Ombudsman, police, medical)
- Consistency with this individual's values, beliefs and preferences
- Consider larger cultural and religious background
- Consider this family's culture
- Steps taken to enhance capacity? What worked, what failed?

Case: Mrs. Kim

- ◆ 82 y/o married woman, Dx with Parkinson's disease
- ◆ Husband won't spend \$ on care
- ◆ Leaves her alone many hours
- ◆ Multiple falls, bedsores, dehydration
- ◆ Grossly inadequate care



Assess Level of Risk

- What is the impact of a negative outcome?
- How may this result in harm to the individual?

Conceptual Framework for Capacity Assessment

Clinical Judgment





Questions & Comments