Elder Abuse & Neglect: Ethical Consideration in Research & Care

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A 85-year-old woman is hospitalized for pneumonia and is now ready for discharge. Her friend and neighbor returns from the patient’s apartment. She’s discovered two mispaid bills, a ledger with cash transfers to her daughter, and two full bottles of medications.

The patient’s daughter says that everything is ok – “I’m looking after my mother fine” – and the patient should go home to her apartment.

The case manager asks you. “Can we send her home?”
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You ask the patient whether she’d like a nurse to come over to assist with her medicines and review how things are going at home.

The patient replies, “No. I don’t like that compared to what I do. I don’t like people coming over to my private place, and I don’t want my daughter bothered.”
### Ethical considerations in research & care

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<th>YES</th>
<th>NO</th>
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Ethical considerations in research & care

We are poised to achieve…

• Clear and coherent and consistent communication about the concepts of capacity and competency

• Ethically and scientifically sensible research review and approval
Ethical considerations in research & care

• The theory and practice of capacity assessment has made substantial progress in arriving at a coherent set of concepts and practices that are legally and ethically acceptable
  – Measures of overall cognition are not measures of capacity
  – They are measures of the risk of the loss of capacity
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• Capacity and competency
  – Capacity is the continuum of decision making abilities
  – “Being competent” or “having adequate capacity” is a judgment of a person’s decision making abilities

• The decision making abilities
  – choice, understanding, appreciation, reasoning

• Assessments of capacity are used to make judgments of competency
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- Instruments exist, and new ones can be developed, that can structure how we decide someone can make a decision
  - They focus us on ability, not status, or “reasonableness,” or cognition
  - They specify the abilities we ought to care about
  - They demonstrate where there are impairments
Ethical considerations in research & care

- Instruments exist, and new ones can be developed, that can structure how we decide someone can make a decision
  - They explain the clinical significance of overall cognitive impairment and neuropsychiatric impairment
  - They provide us a coherent language to talk about the IADL of decisionmaking
  - They put assessment into our ethics
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- Financial “capacity” -- the ability to manage money and financial assets in ways that meet a person’s needs and which are consistent with his/her values and self-interest. (Marson In: *Forensic Neuropsychology* 2011).
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• Financial capacity is multidimensional
  – Basic monetary skills
  – Carrying out cash transactions
  – Managing a checkbook and bank statement
  – Exercising financial judgment

• A person may be able to carry out some financial transactions but not others

• Financial capacity is in a sense an instrumental activity of daily living (IADL)
• Decisional capacity – the decision about how to manage an IADL impairment
  – Assessment for the Capacity for Everyday Decisionmaking (ACED)
  – a measure of the ability to decide how to manage an IADL impairment

  • in older adults with mild to moderate dementia, we see (a) decent ability to choose and reason, and (b) impaired abilities to understand and appreciate information
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- Copies of ACED and SPACED: jasonkarlawish@gmail.com
- Generations: Journal of the American Society on Aging. Vol 36(2); Summer 2012
  - An excellent review of financial capacity
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- The ethics of research that involves persons with disorders that may impair their decisionmaking capacity is reasonably well worked out.
- In elder abuse and neglect, there may be some concern over who can serve as a surrogate, if the research requires a surrogate.
  - In our case, would the daughter be an appropriate surrogate?