

WRC-NAPGCM 2010 CONFERENCE

Fraud, Undue Influence and Mental Status in Elder Abuse – What the Psychologist Looks For

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www.MentalCapacityEvaluations.com



Objectives

- Identify areas of focus used by psychologists in mental status capacity evaluations
- Differentiate between types of elder abuse associated with different types of dementia
- Associate various cognitive and personality changes seen in Vascular Dementia with susceptibility to undue influence

What Psychologists Do

- We start with the components of a Mental Status Exam – testing a person's cognitive skills and assess mood, behavior and personality.
- We measure various cognitive domains, and find patterns of deficits, along with skills retained.
- We may arrive at a diagnosis.
- Then we compare the pattern to areas of a person's functioning: ADLs and IADLs.
- We formulate opinions about a person's capacities: handling money, living independently, drafting a will, driving...
- We weigh the risks and values of a particular decision. This is not just a clinical Mental Status Exam, but a **Mental Capacity Eval.**

Out of the Office and on the Scene

- Mental capacity evaluations to assist with psychosocial and psycholegal decisions
- In-home visits
- Coordination with Geriatric Care Managers and other professionals
- Engage family and consider other resources of information

Mental Capacity Evaluations assist with real-world decisions

- Decision-Making in question: does someone retain or lack capacity?
- Substitute decision-maker: does someone need a POA agent; or a conservator; or a successor trustee?
- Residence and care: what is the least restrictive environment?

Mental Capacity Evaluations and Elder Abuse

- Risk of Elder Abuse tends to increase as the victim's mental status declines, but victimization is not exclusive to people with impaired cognition.
- Fraud: Financial exploitation by deceptive means
- Coercion: Emotional pressure used to exploit
- Undue Influence: An exploited relationship
- Neglect

Cognitive Testing

– a sampling of the domains to be tested

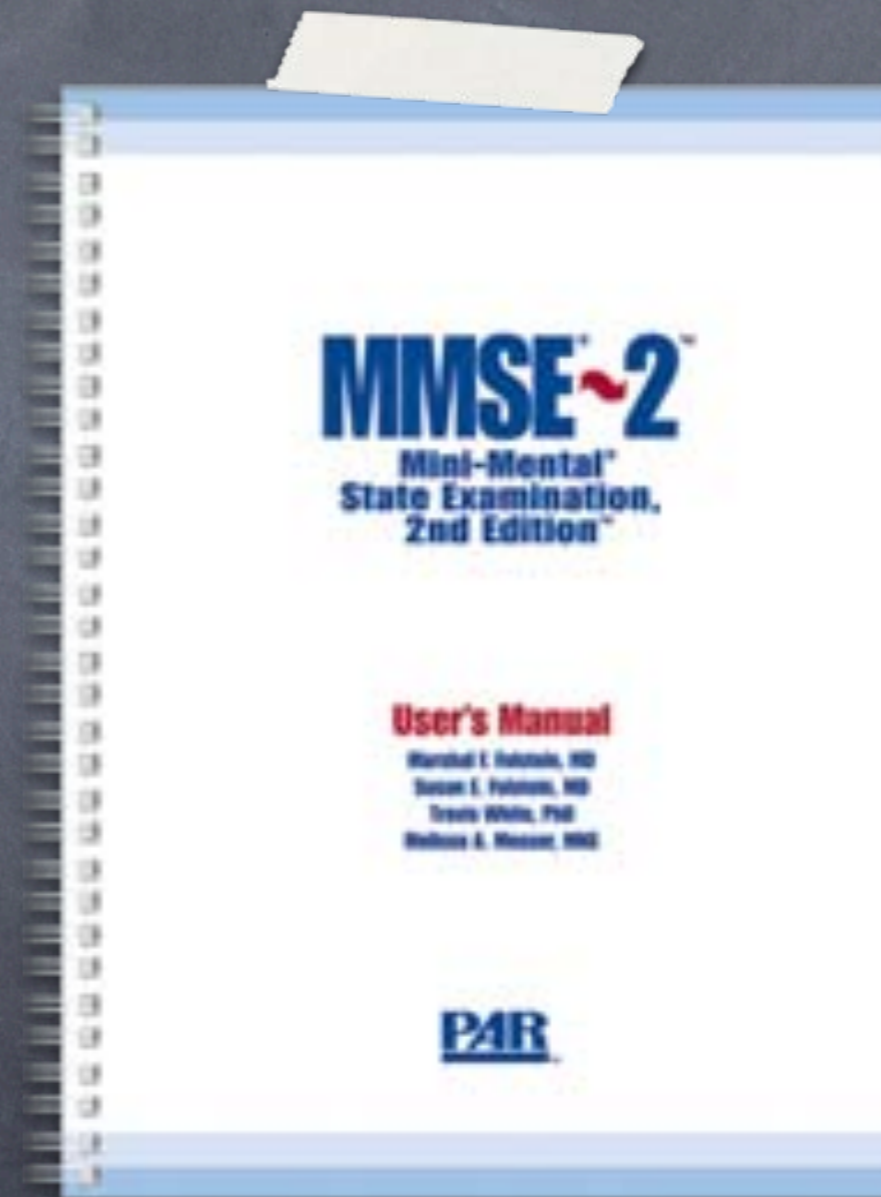
- Attention/Concentration
 - Language
 - Calculations
 - Memory
 - Visuo-spatial construction
 - Abstraction
 - Executive functioning
-
- Psychiatric symptoms
 - Personality factors

General ideas about psych testing:

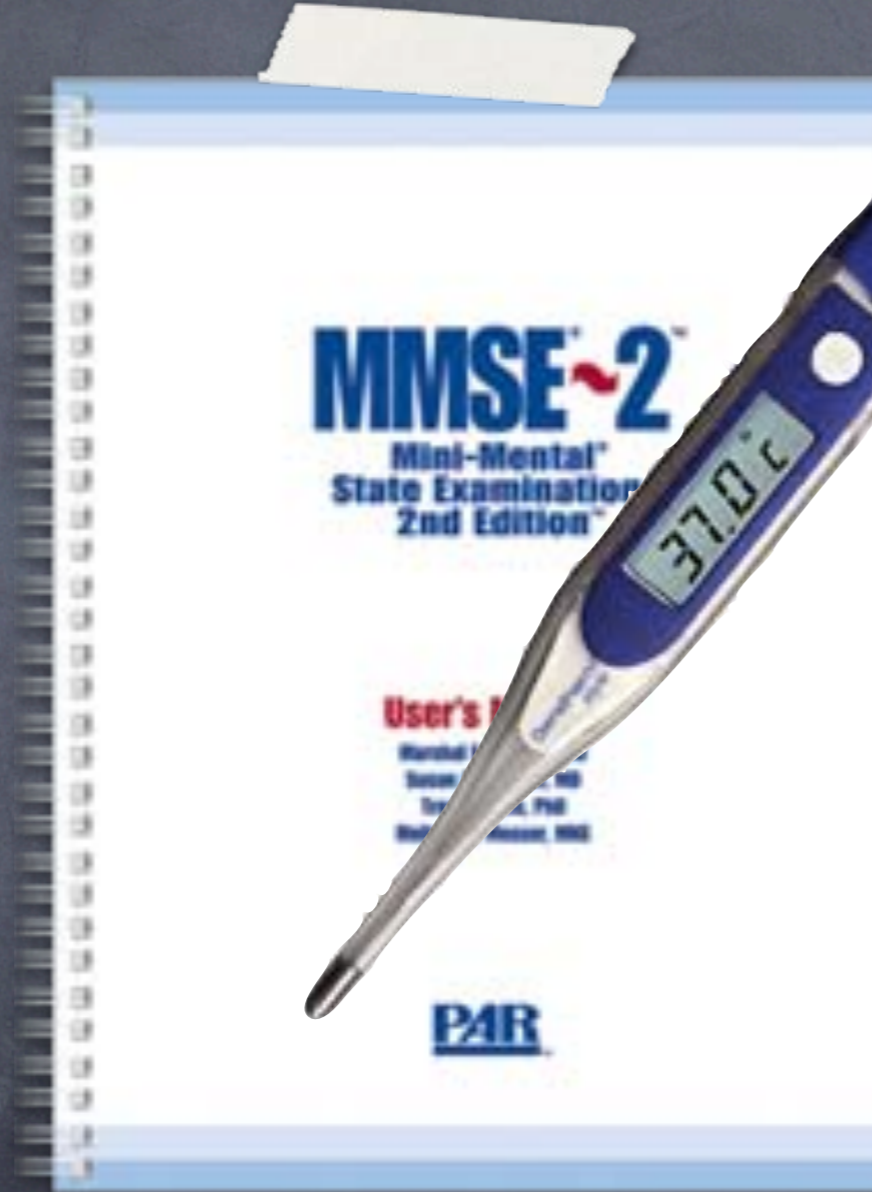
- ✱ Not academic or ideal settings: consider optimizing realistic conditions for psych testing
- ✱ Don't rely on any one test
- ✱ MMSE (Folstein) is a thermometer - not diagnostic, not forensic: Better choices available
- ✱ Clock-drawing shows decline in functioning without depending on education, short-term memory
- ✱ Verbal fluency test and challenge: recall helps identify the potential for undue influence

MMSE – Folstein

- Taught in Med School
- Not specific
- False negatives
- Not for forensic use
- Copyrighted



MMSE vs. MoCA

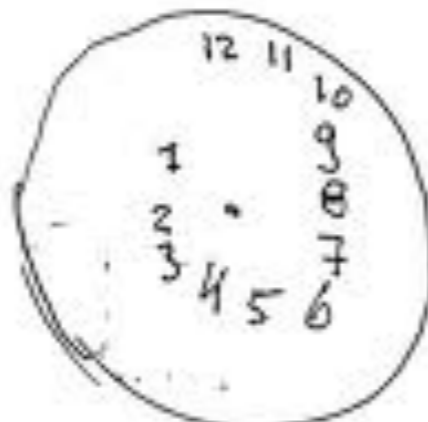
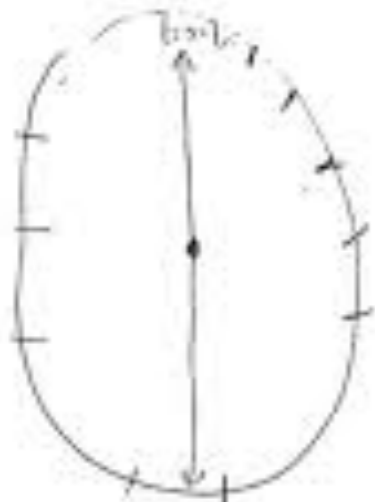
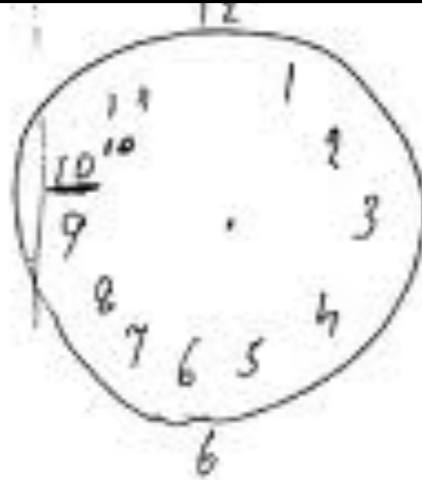


MONTREAL COGNITIVE ASSESSMENT (MOCA) Education: _____ Sex: _____ Date of birth: _____
 DATE: _____

VISUOSPATIAL / EXECUTIVE		Copy cube	Draw CLOCK (Ten past eleven) (3 points)	POINTS				
		[]	[]	___/5				
NAMING								
		[]	[]	[]				
		[]	[]	___/3				
MEMORY		FACE	VELVET	CHURCH	DAISY	RED	No points	
Read list of words, subject must repeat them. Do 2 trials, even if 1st trial is successful. Do a recall after 5 minutes.		1st trial						
		2nd trial						
ATTENTION		Subject has to repeat them in the forward order [] 2 1 8 5 4						
		Subject has to repeat them in the backward order [] 7 4 2				___/2		
Read list of letters. The subject must tap with his hand at each letter A. No points if ≥ 2 errors		[] FBACMNAAJKLBAFAKDEAAAJAMOFAB				___/1		
Serial 7 subtraction starting at 100		[] 93	[] 86	[] 79	[] 72	[] 65	___/3	
		4 or 5 correct subtractions: 3 pts. 2 or 3 correct: 2 pts. 1 correct: 1 pt. 0 correct: 0 pt						
LANGUAGE		Repeat: I only know that John is the one to help today. []				___/2		
		The cat always hid under the couch when dogs were in the room. []				___/2		
Fluency / Name maximum number of words in one minute that begin with the letter F		[] _____ (N ≥ 11 words)				___/1		
ABSTRACTION		Similarity between e.g. banana - orange = fruit [] train - bicycle [] watch - ruler				___/2		
DELAYED RECALL		Has to recall words WITH NO CUE	FACE	VELVET	CHURCH	DAISY	RED	POINTS for UNCLUED recall only
		[]	[]	[]	[]	[]	[]	
Optional		Category cue						
		Multiple choice cue						
ORIENTATION		[] Date	[] Month	[] Year	[] Day	[] Place	[] City	___/6
© Z.Nasreddine MD Version 7.1 www.mocatest.org Normal ≥ 26 / 30		Administered by: _____		TOTAL		___/30		
				Add 1 point if ≤ 12 yr edu				

MMSE (Folstein)

Montreal Cognitive Assessment



- *It's simple – most people will try it
- *It's reliable – errors are suggestive of problems
- *It taps multiple domains

Clock-Drawing

Clock-drawing : Pulse

Naming,
Calculations,
Verbal fluency,
Months
backwards,
Hypothetical
problem-solving
tasks

Dementia
examplewww.livescribe.com

... meds - I hated it all. -
Medical SE - not 4.

nausea	liquid	durom	fed
d	dietch	scalp	liz
c	guy	paper	heaven
step	cyant	alloy	---
zsh	low	cro	
hore	goth	parrot	
him	chug	white	



Visual Memory for Hidden Objects

Dementia Syndrome (DSM-IV)

- Memory impairment PLUS ONE OF:
 - apraxia (motor sequence) deficit
 - aphasia (language) deficit
 - agnosia (recognition) deficit
 - executive functioning disturbance
- Deficits must represent a decline from previous levels
- Deficits must lead to substantial impairment in social / occupational functioning
- AND not due to delirium

Vascular Dementia

- related to changes in blood vessels; cardiac or circulatory disease
- not necessarily degenerative
- person retains sense of self
- socially capable
- memory cloudy, but can learn
- emotional reasoning > logical reasoning
- 'black or white' thinking - can't accept logic of argument
- cognitive deficits are "patchy"

Putting it all together

- The Referral Question Remains the Focus
- Measure Cognitive Skills with Testing
- Document Real World Functioning
- Incorporate Collateral Information
- Consider a Diagnosis to Apply to Findings
- Address the Specific Decision to be Made

ex: Decision-Making: Handling Funds

- Finding of memory deficits: Alzheimer's
- Can't count currency
- Can't account for spending
- Cash discovered by cleaning help in hamper
- Friendly teller notices difficulty with completing bank slips - and starts to make home banking visits, opens credit card account in customer's name...

ex: Decision-making: Using family savings to win the Canadian Lottery

- Cognitive tests are fairly OK
- He admits there was a "possible scam"
- He's 60% certain that he will win the prize, or at least get his "investment" back
- The arguments are irrational: "I'm not totally convinced..."

lottery scam [hyperlink](#)Lottery scam

ex: Retired Realtor with Alzheimer's still handling funds

- As a real estate investor, he had multiple income properties
- Memory impaired: forgets to pay utilities and on-site managers call- desperate to keep water and electricity on
- He call a number in the paper: gets hard-money loans
- Soon, loans encumber all properties, with a domino effect of potential foreclosures
- Notary and escrow agent believed this man knew what he was doing

Susceptibility to Undue Influence

- More commonly associated with Vascular Dementia: person retains social skills, but cloudy memory, and emotional reasoning aid the 'influencer'
- Influencer becomes increasingly close, to the exclusion of previously trusted friends, family, advisors; develops a 'confidential relationship'
- Increased dependency is based on an emotional affinity
- Increased isolation when all information is controlled
- Strong, emotional messages help severe ties, create a pseudo-world

Testing that assists in identifying Susceptibility to Undue Influence

- Verbal Fluency Test + Challenge Recognition
- Looking at recognition of challenge words vs. own words generated on previous Verbal Fluency Test
- Excessive endorsement of challenge words
- Excessive denial of own words

Mental Capacity

Evaluations – wrap-up

- Psychologist looks at cognitive domains via testing
- Psychologist reviews functional activity
- Psychologist incorporates collateral sources
- Apply findings of deficits to diagnosis
- Apply findings to specific decisions to be made
- Make recommendations related to referral question

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