

Mental Health Watchdog: More Work is Needed to Protect the Elderly from Abuse

CCHR is asking for greater protection from unnecessary involuntary psychiatric examination of seniors as well as the use of ECT on vulnerable individuals.

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/EINPresswire.com/ -- According to the National Council on Aging, "approximately one in 10 Americans aged 60+ have experienced some form of elder abuse. Some estimates range as high as five million elders who are abused each year. One study estimated that only one in 24 cases of abuse are reported to authorities." [1]

This abuse includes instances of mental health human rights abuse, sometimes for profit. In the 1990's the Florida Supreme Court published a summary on the use of involuntary and examination, called a [Baker Act](#), which revealed that, "the involuntary placement process is also vulnerable to abuse, and that abuse is often linked to financial gain or convenience of nursing homes, assisted living facilities, mental health facilities, or mental health professionals."

[2]

We are bringing attention to elder abuse under the mental health law, especially the unnecessary involuntary psychiatric examination of seniors as well as the use of ECT on vulnerable adults."

Diane Stein, President CCHR Florida



CCHR Florida is raising awareness of the abuse suffered by the elderly under the mental health law especially the unnecessary and potentially harmful involuntary psychiatric examination of seniors, a process called Baker Acting.

This Executive Summary went on to report that, "problems exist as well in regard to voluntary admissions. In 1996, the Florida Legislature amended the Baker Act to strengthen patient rights. Despite these enhanced protections, the Subcommittee learned that because in-patient treatment is extremely profitable mental health facilities and professionals sometimes abuse the voluntary admission process. Moreover, some patients deemed to be

'voluntary' may in reality lack the capacity to consent." [3]

Unfortunately, not much has changed since the release of this report with Florida news media regularly reporting on elder abuse. And while Florida's legal system now has more power to "act against people who abuse the elderly or disabled adults and seek to profit from their actions" more protection is needed. [4]

An Advanced Mental Health Directive (AMHD) is a little-known resource that can be used by individuals to protect their rights if they become incompetent to make decisions. Known as a "Declaration", Florida law allows a person to write instructions on what if any mental health care they wish to receive including hospitalization, psychiatric drugs, electroconvulsive therapy (ECT) and experimental procedures. [5]

According to Federal Medicare records, over 20,000 Americans received electroshock in 2014 under Medicare, which Americans are eligible for when they reach 65 years of age. Of interest is that the percentage of elderly receiving ECT jumps dramatically for those who are eligible for Medicare from 3.4% of those under the age of 65 years receiving ECT to 15.6% for those 65 years of age and older. [6,7]



More than 14,000 of Florida's elderly, including those with dementia, were sent for involuntary psychiatric examinations in 2017.



The headquarters for CCHR Florida are located in downtown Clearwater.

"The [Citizens Commission on Human Rights](#), CCHR, is bringing attention to the subject of elder abuse under the mental health law, especially the unnecessary involuntary psychiatric examination of seniors as well as the use of ECT on vulnerable adults," stated Diane Stein, President of CCHR in Florida. "We work to educate people on their rights and how a declaration can protect them from unwanted and even dangerous psychiatric drugs and procedures."

In addition to providing citizens with copies of Psychiatric Living Wills, CCHR regularly holds free workshops on the Baker Act delivered by attorney Carmen Miller. Mrs. Miller held the position of Assistant Public Defender in the Thirteenth Circuit for many years in Tampa, and is now in the private sector specializing in cases of those who are involuntarily committed under the Baker Act. For more information on the workshop or the [protection of elder rights](#) under the mental health law please call 727-442-8820 or visit www.cchrflorida.org.

About CCHR: Initially established by the Church of Scientology and renowned psychiatrist Dr. Thomas Szasz in 1969, CCHR's mission is to eradicate abuses committed under the guise of mental health and enact patient and consumer protections. L. Ron Hubbard, founder of Scientology, first brought psychiatric imprisonment to wide public notice: "Thousands and thousands are seized without process of law, every week, over the 'free world' tortured, castrated, killed. All in the name of 'mental health,'" he wrote in March 1969.

Sources:

[1] Get the Facts on Elder Abuse

<https://www.ncoa.org/article/get-the-facts-on-elder-abuse>

[2] Florida Supreme Court Baker Act Summary

<https://www.floridasupremecourt.org/content/download/242846/file/BakerSummary.pdf>

[3] Ibid.

[4] Florida lawmakers strengthened punishments for abuse of elders, disabled

<https://www.tampabay.com/news/florida-politics/2021/05/04/florida-lawmakers-strengthened-punishments-for-abuse-of-elders-disabled/>



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[5] Psychiatric Advanced Directives in Florida <http://www.nrc-pad.org/states/florida-faq>

[6] Petition to Ban ECT Device use on Elderly <https://www.change.org/p/ban-electroshock-ect-device-being-used-on-children-the-elderly-and-vulnerable-patients>

[7] Variation in ECT use in the United States

<https://www.researchgate.net/publication/15444308> Variation in ECT use in the United States

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