

# CCHR: Baker Act Abuse of the Elderly Still a Problem, Greater Protection Needed

*25 years ago, Florida lawmakers made major revisions to the Baker Act as a result of seniors being sent to psychiatric hospitals that were receiving kickbacks.*

CLEARWATER, FLORIDA, UNITED STATES, September 8, 2021

/EINPresswire.com/ -- During 2018/2019, there were 15,457 involuntary psychiatric examinations, called a [Baker Act](#), initiated on individuals 65 years and older which was an increase of almost 63% from 2008/2009 while the population increase was only 29%. [1]

The Baker Acting of the elderly is not a new problem. In 1995 the media reported that approximately two-thirds of the people taken into custody for involuntary examination in Pinellas County during 1993/1994 were seniors and public testimony before the Florida Legislature revealed that many elders fared poorly and some even died during or shortly after their hospitalization under the Baker Act. [2]

“

Because in-patient treatment is extremely profitable mental health facilities and professionals sometimes abuse the voluntary admission process.”

*Florida Supreme Court  
Executive Summary*



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.

In 1996, members of the Florida Legislature overhauled the Baker Act due to some nursing homes and assisted living facilities sending senior citizens to “a couple of psychiatric hospitals in Pinellas County and getting kickbacks in return”. Unable to provide express and informed consent to the admissions, some of these elders died as a direct result of the transfers. [3]

According to the National Council on Aging, “approximately one in 10 Americans aged 60+ have experienced some

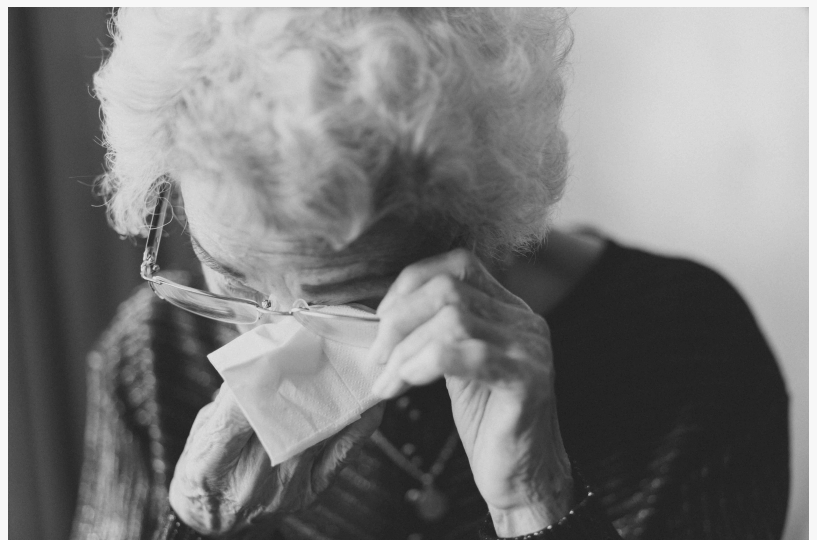
form of elder abuse. Some estimates range as high as five million elders who are abused each year. One study estimated that only one in 24 cases of abuse are reported to authorities.” [4]

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 the 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.” [5]

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.” [6]

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. [7]

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)



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.

and experimental procedures. [8]

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. [9,10]

“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](http://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



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.



The Citizens Commission on Human Rights is a nonpolitical, nonreligious, nonprofit organization dedicated solely to eradicating mental health abuse and enacting patient and consumer protections.

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] Baker Act Reporting Center [https://www.usf.edu/cbcs/baker-act/documents/ba\\_usf\\_annual\\_report\\_2018\\_2019.pdf](https://www.usf.edu/cbcs/baker-act/documents/ba_usf_annual_report_2018_2019.pdf)
- [2] Florida Supreme Court Baker Act Summary <https://www.floridasupremecourt.org/content/download/242846/file/BakerSummary.pdf>
- [3] Long-Term Care Facilities – Florida Department of Children and Families <https://www.myflfamilies.com/service-programs/samh/crisis-services/laws/LongTermCareFacilities.pdf>
- [4] Get the Facts on Elder Abuse <https://www.ncoa.org/article/get-the-facts-on-elder-abuse>
- [5] Florida Supreme Court Baker Act Summary <https://www.floridasupremecourt.org/content/download/242846/file/BakerSummary.pdf>
- [6] Ibid.
- [7] 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/>
- [8] Psychiatric Advanced Directives in Florida <http://www.nrc-pad.org/states/florida-faq>
- [9] 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>
- [10] Variation in ECT use in the United States [https://www.researchgate.net/publication/15444308\\_Variation\\_in\\_ECT\\_use\\_in\\_the\\_United\\_States](https://www.researchgate.net/publication/15444308_Variation_in_ECT_use_in_the_United_States)

Diane Stein

Citizens Commission on Human Rights of Florida

+1 727-422-8820

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/550801697>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.