

46.90(4)(ab) & 55.043(1m)
46.90 (3)(c) & 55.043(1g)(c)
46.90 (4)(ar) & 55.043(1m)(br)
46.90(5)(d)
46.90(5)(br) & 55.043(4)(b)
46.90(6)(2)(b) & 55.043(6)(2)
55.02(1) & 55.043(8)
55.02(2)(b)(2)
55.043(1r)(c)
55.05(3)
55.055(3) & 50.06 (2) (am)

55.06 & 54.10 (3)
55.075(4) & 54.46 (3) & 54.74
55.075(5)
[Guardianships: 54.30(2)]
55.08(1) & (2)
55.09 & 54.44
55.10(1)
55.09(4) & 54.42
55.11 (1)
55.12(3)
55.12(4)

55.13(1)
55.14
55.14(8)(b)
55.15(5)(a)
55.16(2)(b)
55.175
55.18
55.18(3)(e)
55.19(1)
50.06 (2)
50.06(3)
50.06 (4)

50.06 (6)
54.10 (2) (b)
54.18(3)
54.20(2)
54.25(2)(b)
54.36
54.40
54.46 (1)
54.46 (2) (a)- (c)
54.50
54.62
54.68 (2)

54.625
54.64(2)
54.852 (5)
50.085
50.94

Identifies who must report elder abuse
Outlines requirements for informing the public about services
Requires those reporting to provide facts and circumstances of the situation in reporting.
States that the APS investigator may apply for a restraining order
Outlines course of action once abuse, neglect, self-neglect, or financial exploitation is suspected
Outlines exceptions to confidentiality of records
Outlines responsibilities for the State in regards to protective services
Requires counties to prepare reports to the State
Allows transport of an adult at risk for medical examination
Outlines preference for services to be provided by other county departments or contracted agencies
Outlines process when an individual

protests admission to a facility
Defines who is eligible for protective services or protective placement
Allows collection of fees and costs related to petitions for protective placement and protective services, Guardianship
Outlines county of responsibility for protective placement and protective services petitions
Outlines the standards required for protective placement and protective services
Outlines requirements for notice of petition and hearing for protective placement and protective services
Outlines the time limits for a hearing related to protective placement and protective services
Outlines the rights of a subject of hearing
Outlines information to be included in the comprehensive evaluation required prior to a protective placement and protective services order
Highlights that protective services must be in the least restrictive environment

Outlines factors to be considered in a protective placement and protective services
Emergency protective services must be provided within 72 hours when incur substantial risk of serious physical harm
Identification of requirements for ordering of psychotropic medication as a protective services
Requires development of a treatment plan for use and maintenance of records
Nonemergency transfers require 10 days notice to court.
Court may modify a protective placement and protective services order if...
Outlines requirements prior to discharge from protective placement
Outlines the annual review process of protective placement
Identifies options as a result to objections for a current protective placement

Status of condition necessitating psychotropic medication is reviewed annually
Allows a non-guardian to admit an incapacitated individual to a residential facility directly from a hospital without POA for Health Care or guardianship when the individual does not contest the admission
Requires notification of US Department Veteran's Affairs when a veteran is the subject of guardianship proceedings
This rule provides a priority ranking for individuals who may consent to a facility admission
In order to be considered incapacitated two physicians must sign a statement that is incapacitated
Places parameters around allowing an individual to make health decisions and authorize services to the same extent as a guardian
Identifies what must be considered in the appointment of a guardian
Outlines actions a guardian may not do
Outlines those powers a guardian of estate must receive court approval prior to doing.

Outlines the powers retained by individuals who have been determined incompetent

Outlines requirements for examination prior to establishing a guardianship

Establishes the requirement for a guardian ad litem during proceedings

Outlines when dismissal of a guardianship petition is appropriate

Describes special categories considered with establishment of a guardian

Outlines parameters for a temporary guardianship

Sets the requirement for an annual accounting to the court assets and disbursements made on behalf of ward by guardian of estate

Outlines when action may be taken against a guardian related to compliance

Those of the Menominee Tribe may be required to transfer funds to the trust created by the secretary of the interior

Outlines process for review of incompetency or termination of guardianship

Outlines the process by which family can petition for visitation when being denied access

Regulates admission to hospice for those incapacitated

Current Challenges in Practice

[Identify challenging aspect(s) of practice that are currently experiencing]

1.

2.

3.

4.

5.

6.

7.

8.

Capacity Case Study #1: Anna Kovacs

Small Group Information

Group Task: Your leader has information about Mrs. Anna Kovacs. Your task, during the first 20 minutes, is to obtain as much information as possible about Anna that will help you understand more about her and what factors may be affecting her decisional capacity in this situation. In the last 5 minutes, your leader will provide you with any remaining relevant information about the client that has not been uncovered.

Using this sheet, ask one member of your group to fill in the information you know about this client based upon the leader's answers to the group. Discuss how these factors might affect Anna's decisional capacity.

Reason for referral to APS: Possible self-neglect of Anna Kovacs, an 82 year old widow who lives alone.

Referral made by: Visiting Nurse

Psycho-social Factors Affecting Capacity:

Physical Factors Affecting Capacity:

Environmental Factors Affecting Capacity:

Client's Prognosis:

Case Study #5: Sharon Delay

Group Leader Information

Reason for referral to APS: Possible sexual abuse

Referral made by: Group home staff person

Psycho-social Factors Affecting Capacity:

Sharon is a 22 year old developmentally disabled woman. She is moderately mentally retarded, reads with difficulty, but is verbal and cooperative. She lives in a group home with five other residents. Sharon's parents are deceased. She has a boyfriend, Jake. She admits that she has been out with Jake and had sex with him. Sharon has a basic understanding of what it means to have sex. She knew that she was going to have sex with Jake, and wanted to do so. She also understands the consequences of sexual intercourse—that she could get pregnant or contract a sexually transmitted disease. She says that she is on the pill, and Jake used a condom. She likes Jake a lot, but does not want to have sex with him again if it means that he will go to jail.

Physical Factors Affecting Capacity:

Sharon is slightly overweight. She is being treated for hypothyroidism, allergies and high blood pressure. She was recently taken to the hospital for a rape emergency examination after a group home staff person reported that she had had sex with Jake. The hospital examination showed no evidence of physical trauma.

Environmental Factors Affecting Capacity:

Sharon's sister, Jane, was appointed as Sharon's conservator to manage her financial affairs, upon the advice of an attorney. Jane says that Sharon is unable to have consensual sex because she is "too stupid to know what she is doing." Police arrested Jake for sexual assault. Jane wants Jake to be charged with rape of a vulnerable adult.

Prognosis:

Jake will go to jail. Sharon will not be allowed to have another sexual relationship.

Capacity Case Study #2: Juan Garcia

Small Group Information

Group task: Your leader has information about Juan. Your task during the first 20 minutes, is to obtain as much information as possible about Juan that will help you understand more about him and what factors may be affecting his decisional capacity in this situation. In the last 5 minutes, your leader will provide you with any remaining relevant information about the client that has not been uncovered.

Using this sheet, ask one member of your group to fill in the information you know about this client based upon the leader's answers to the group. Discuss how these factors might affect Juan's decisional capacity.

Reason for referral to APS: Need for assessment to determine capacity to give informed consent for medical treatment.

Referral made by: Staff at residential health care facility

Psycho-social factors affecting capacity:

Physical factors affecting capacity:

Environmental factors affecting capacity:

Client's prognosis:

Case Study #2: Juan Garcia

Group Leader Information

Reason for referral to APS: Need for assessment to determine capacity to give informed consent for medical treatment.

Referral made by: Staff at residential health care facility

Psycho-social factors affecting capacity:

Juan is a twenty-eight year old single man who came to this country from El Salvador when he was 18 years old. His status in this country is undocumented so he is considered an illegal alien. His parents were divorced and he has had no contact with his father. His mother and four younger siblings are still in El Salvador. For the past ten years, he has sent money home every week to support his family. When he was not working, he would go to the local bar and drink with his friends. Juan has a 6th grade education. His spoken English is limited and he is more comfortable speaking Spanish. He cannot read or write English. He seems to have a good relationship with one nurse's aide from El Salvador who is familiar with his hometown. He often depends on her to communicate his needs.

Physical factors affecting capacity

Recently Juan sustained multiple injuries, including brain trauma, in a car accident. He has slurred speech, unsteady ambulation, and a seizure disorder as well as mood swings and erratic behavior. He was moved from the hospital to a residential health care facility. Facility staff describe him as difficult to manage. He is becoming more and more agitated. He told staff that he does not want to go into the hospital again. A recent medical test showed that there is considerable pressure on his brain.

Prognosis:

If surgery to reduce the pressure on his brain is not done, his life will be in danger.

Case Study #3: Mark Hudson

Small Group Information

Group Task: Your leader has information about Mark Hudson. Your task, during the first 20 minutes, is to obtain as much information as possible about Mark that will help you understand more about him and what factors may be affecting his decisional capacity in this situation. In the last 5 minutes, your leader will provide you with any remaining relevant information about the client that has not been uncovered.

Using this sheet, ask one member of your group to fill in the information you know about this client based upon the leader's answers to the group. Discuss how these factors might affect Mark's decisional capacity.

Reason for referral to APS: Possible self-neglect

Referral made by: Mark Hudson's daughter

Psycho-social Factors Affecting Capacity:

Physical Factors Affecting Capacity:

Environmental Factors Affecting Capacity:

Client's Prognosis:

Case Study #3: Mark Hudson

Group Leader Information

Reason for referral to APS: Possible self-neglect

Referral made by: Mark's daughter

Psycho-social Factors Affecting Capacity

Mark is 85 years old. He lives alone in the home that he and his recently deceased wife built in the 1950's. Following his wife's death two years ago, he became very despondent. Since his wife's death, he has become increasingly reclusive, refusing to answer the phone or the door. He has been in two "fender-benders" while driving his car on major thoroughfares. He refuses to go shopping with his daughter to buy him much-needed clothes. He seems confused and distracted. His speech is fairly animated, though slightly "off topic" from the current subject of conversation. He is unhappy and confused that he doesn't hear from his daughter as often as he used to. Mark has established a friendly relationship with the young hearing impaired man who delivers the pizzas. He sits by the door to watch for him. They have brief chats using gesturing and basic sign language, but the "chats" don't last long, because the young man is on the clock.

Physical Factors Affecting Capacity

He has gained a lot of weight in the past year.

Environmental Factors Affecting Capacity

He allows his daughter to oversee his financial affairs. There are piles of dirty clothes and dirty dishes throughout the house. There are pizza boxes and pop bottles lying around, but not much evidence of other food. The television is blaring. On the floor, there are crossword puzzle books and a book on sign language. There is a pile of garbage overflowing from the kitchen trashcan.

Prognosis:

Mark's daughter wants "the State" to take guardianship of her father and put him in a nursing home.

Case Study #4: Rob and Wilma Benson

Small Group Information

Group Task: Your leader has information about Mr. and Mrs. Benson. Your task, during the first 20 minutes, is to obtain as much information as possible about both of them that will help you understand what factors may be affecting their decisional capacity in this situation. In the last 5 minutes, your Leader will provide you with any relevant remaining information about the client that has not been uncovered.

Using this sheet, ask one member of your group to fill in the information you know about these clients based on the leader's answers to the group. Discuss how these factors might affect Rob and Wilma's decisional capacity.

Reason for referral to APS: Possible financial exploitation

Referral made by: A concerned neighbor

Psycho-social Factors Affecting Capacity:

Physical Factors Affecting Capacity:

Environmental Factors Affecting Capacity:

Client's Prognosis:

Case Study #4: Rob and Wilma Benson

Group Leader Information

Reason for referral to APS: Possible financial exploitation

Referral made by: a concerned neighbor

Psycho-social Factors Affecting Capacity:

Wilma's demeanor is meek and apprehensive. She avoids eye contact and shrivels when her husband enters the room. Rob is a large man who smells of beer and seems overly cordial.

Physical Factors affecting Capacity:

Rob and Wilma Benson are in their seventies. Rob has heart and liver problems, as well as frequent urinary tract infections. He wanders away from the farm when intoxicated, and has been picked up by neighbors walking along the rural highway near his home. Wilma was recently hospitalized due to a head injury which she reported was due to a fall in her home. Her vision was impaired due to the injury. She appeared malnourished and significantly dehydrated upon admittance to the hospital. ER staff believed that the head injury and bruising on her body were not consistent with a fall.

Environmental Factors Affecting Capacity:

Rob and Wilma live alone in a rural area on a potato farm. Ten years ago, the Bensons turned the potato farm business over to their son and his wife, who promised to care of them financially from the farm revenue. The farm business has failed and the son recently put his parents' farm up for sale. The son and daughter-in-law are trying to get Mr. and Mrs. Benson to "sign over" the house and property rights to them. There are piles of newspapers in the home, and beer cans strewn about. Holes in the sheet rock at arms level, suggest someone punched holes in the walls. There is no evidence of fresh food in the home. The plumbing is not functioning. There are many cats and cat feces inside and outside of the home.

Prognosis:

The Bensons may lose their home. Mr. Benson's health will deteriorate. Mrs. Benson will suffer more injuries.

Case Study #5: Sharon Delay

Small Group Information

Group Task: Your leader has information about Sharon. Your task, for the first 20 minutes, is to obtain as much information as possible about Sharon that will help you understand more about her and what factors may be affecting her decisional capacity in this situation. In the last 5 minutes, your leader will provide you with any relevant remaining information about the client that has not been uncovered.

Using this sheet, ask one member of your group to fill in the information you know about this client based upon the leader's answers to the group. Discuss how these factors might affect Sharon's decisional capacity.

Reason for referral to APS: Possible sexual abuse

Referral made by: Group home staff person

Psycho-social Factors Affecting Capacity:

Physical Factors Affecting Capacity:

Environmental Factors Affecting Capacity:

Client's Prognosis:

Case Study #5: Sharon Delay

Group Leader Information

Reason for referral to APS: Possible sexual abuse

Referral made by: Group home staff person

Psycho-social Factors Affecting Capacity:

Sharon is a 22 year old developmentally disabled woman. She is moderately mentally retarded, reads with difficulty, but is verbal and cooperative. She lives in a group home with five other residents. Sharon's parents are deceased. She has a boyfriend, Jake. She admits that she has been out with Jake and had sex with him. Sharon has a basic understanding of what it means to have sex. She knew that she was going to have sex with Jake, and wanted to do so. She also understands the consequences of sexual intercourse—that she could get pregnant or contract a sexually transmitted disease. She says that she is on the pill, and Jake used a condom. She likes Jake a lot, but does not want to have sex with him again if it means that he will go to jail.

Physical Factors Affecting Capacity:

Sharon is slightly overweight. She is being treated for hypothyroidism, allergies and high blood pressure. She was recently taken to the hospital for a rape emergency examination after a group home staff person reported that she had had sex with Jake. The hospital examination showed no evidence of physical trauma.

Environmental Factors Affecting Capacity:

Sharon's sister, Jane, was appointed as Sharon's conservator to manage her financial affairs, upon the advice of an attorney. Jane says that Sharon is unable to have consensual sex because she is "too stupid to know what she is doing." Police arrested Jake for sexual assault. Jane wants Jake to be charged with rape of a vulnerable adult.

Prognosis:

Jake will go to jail. Sharon will not be allowed to have another sexual relationship.