



Mental Health Power of Attorney

There are occasions when a person with Alzheimer's disease (AD) or a related dementia exhibits difficult behavior and may require mental health services. In some instances, the treatment is accomplished in a geriatric psychiatric hospital to help stabilize the behaviors and determine the best medications. To facilitate admission to this type of facility, a mental health power of attorney is required for the family member or appointed agent to authorize care in this setting, as the person with dementia cannot give informed consent.

Mental health care power of attorney is part of Arizona's advance directives. Advance directives also include durable health care power of attorney, living will, and pre-hospital medical directive (Do Not Resuscitate or DNR). A durable health care power of attorney cannot be used to admit a person with dementia into a psychiatric hospital. Arizona's laws changed in 1999 to include a specific health care directive about psychiatric treatment. The mental health care power of attorney can be a separate document which authorizes the appointed agent to admit the person to a "level one behavioral health facility". A durable health care power of attorney can also be written to include the mental health directive allowing the agent to admit the person to a psychiatric hospital.

It is important to complete advance directives soon after a person is diagnosed with Alzheimer's disease or a related dementia so their thoughts and wishes are known. As memory loss progresses, it will eventually be too difficult for the person to complete these documents. If advance directives have been completed, it is important to review the documents to determine if a mental health power of attorney is included. If not, the separate mental health power of attorney form can be completed and added to the directives already in place. This can be accomplished by filling out a pre-printed mental health power of attorney form. The Arizona Attorney General's web site has the mental health power of attorney form and the complete advance directives packet to download at www.azag.gov. The forms will then need one non-family member or a notary to witness the person's signature. As the advance directives are legal documents, they can also be completed or updated with an attorney.

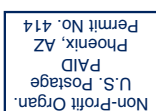
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HOW TO COMPLETE ADVANCE DIRECTIVES

Advance directives that should be completed include health care power of attorney, mental health care power of attorney, and living will. Following are several ways to complete advance directives:

- Use the Arizona Attorney General's web site: www.azag.gov to download the advance directives. These forms can either be witnessed by one non-family member or notarized.
- Visit with your attorney or trust officer.
- Meet with an elder attorney who specializes in legal services for seniors.
- <http://www.azbar.org> or (602)257-4434 for lawyer referral service

Once completed, it is important to share these documents with the health care representatives appointed and your doctors. The original documents can be copied to give to them. Place the original documents in a safe but accessible place. These advance directives do not expire but can be replaced with updated documents if changes to decisions and health care representatives need to be made. Forms can be registered with the Arizona Advance Directives Registry. This is optional. The contact phone number is (602)542-6187 or 1(800)458-5842.



(Meaningful Activities Continued)

If a person with AD/dementia needs admission to a behavioral health facility and mental health care power of attorney is not in place, then emergency guardianship may have to be established. A guardian is appointed by a court of law and families usually need the services of an attorney to initiate this petition. Consequently, the cost for guardianship can be very expensive. As dementia progresses, difficult behaviors can occur so it is important to plan ahead and be prepared. It is better to have a mental health power of attorney in place and not need it, than to need it and not have it!

Ask The Expert

Mary Lou Hernandez, LCSW



Dear Mary Lou:

My mother has mild Alzheimer's disease and will not complete advance directives or a durable financial power of attorney. When I talk about the health care power of attorney, mental health care power of attorney, living will and financial power of attorney, she becomes very upset and tells me she will complete these forms later when she needs them. What will happen if my mother does not complete these forms?

Sincerely,

At Wits End

Dear At Wits End,

When advance directives and durable financial power of attorney are not in place and a person with Alzheimer's disease (AD) or a related dementia cannot make informed decisions, then guardianship and conservatorship may be necessary. This is a court procedure where a judge appoints the guardian and/or conservator. Representation from an attorney is advisable as this is a legal procedure. As a result, this can be very expensive for the family and cost thousands of dollars.

A guardian is a person appointed by the court to make all lifestyle and personal decisions for the person with AD/related dementia. For example, if your mother needed placement in an assisted living memory care center, the guardian would be responsible for finding the appropriate placement. If admission to a geriatric psychiatric hospital is needed, then the guardianship appointment must include mental health guardianship. A conservator is a person appointed by the court to manage finances and property for the person with dementia. For example, the conservator would pay for an assisted living memory care center.

The court procedure to appoint a guardian and conservator can be long and costly. The court hearings can take up to 90 days before a final decision is made. The person filing for guardianship usually has an attorney and the person with dementia also must have a separate attorney represent their best interests. The judge will review all the information presented as to why the person with dementia is not able to make personal decisions or manage their finances. If the judge determines the person to be incapacitated, then a guardian and conservator will be appointed.

All of this can be avoided if your mother completes advance directives and a durable financial power of attorney.

Our Mission

To end Alzheimer's disease without losing a generation, to set a new standard of care for patients and their families, and to forge a model of collaboration in biomedical research

Tip on Brain Health

Dancing can keep your brain healthy as it engages the brain's sensory and learning processes thus creating new neural connections. In addition, dancing can calm the brain's stress response. So grab your partner and get out and dance!

May Beacon Bits

Support Groups:

Circle of Friends is the 2nd Thursday from 12:30 - 2:00pm, BAI 3rd Floor Conf. Rm.

FTD Support Group is the 2nd Tuesday from 12:30 - 2:00pm, BAI 3rd Floor Conf. Rm.

Adult Children Support Group is the last Tuesday of the month from 1:00-2:30pm**Meets in the 1st Floor Conf. Rm.

Early Stage Memory Loss Group is the 2nd Friday of the month from 1:00-2:30pm, BAI 3rd Floor Conf. Rm.

No registration required.

Upcoming Classes:

COMPASS will be held on:

May 20th from 4:00 - 5:30 pm, BAI 3rd Floor Conf. Rm.

June 3rd from 10:00 - 11:30 am, BAI 3rd Floor Conf. Rm.

June 16th from 10:00 - 11:30 am, Sun Health Research Institute Conf. Rm.

June 17th from 4:00 - 5:30 pm, BAI 3rd Floor Conf. Rm.

Planning Ahead will be held on:

May 24th from 10:00 - 11:30am, BAI 3rd Floor Conf. Rm.

June 7th from 4:00 - 5:30 pm, BAI 3rd Floor Conf. Rm.

Memory Assistance and Planning Session

June 25th from 9:00 am - 3:00 pm
Banner Desert, Ocotillo Room
Mesa, AZ

\$25 fee for instruction, materials & lunch

All classes require registration.

Please call Veronica Ellis at

(602)839-6850 or

veronica.ellis@bannerhealth.com

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