

NV Silver Haired Legal Forum, May 5, 2004  
Remarks Prepared by Beth Fiebelkorn RN

I speak before you today, a retired Registered Nurse with 43 years of service behind me and now more concerned than EVER about senior issues. I guess it started when I cared for and watched my Mother deteriorate and die from the AFTER EFFECTS of breast cancer therapy. I did have visiting nurses to assist getting sick room supplies and physical help, but I did all her round the clock care for 3 months. I ran into problems with all sorts of daily issues. But then, she had taken care of her living will, and I was listed to help her at the end. Is this what it has come to, to involve the law and lawyers and a bunch of paper work, to even die in peace? But I guess NOT everyone knows that.....there are LOTS of ordinary citizens, who don't FREQUENT the use of lawyers for what they feel to be personal issues.....like dying!

My biggest concern of late came when watching the Channel 3 News one evening. The broadcast was about the plight of an elderly woman taken from her home and locked up, even though she had a son to care for her. Apparently a neighbor reported the issue of Evelyn Ceserio riding on the back of her son, Steven McQuaid's motorcycle, to go to the store...and there was even a clip of Evelyn stating it was a fun ride and a fun thing to do. It mentioned an agency of the County Government, The Clark County Public Guardian stepping in, and as Kathleen Buchanan states, they had to "Act Swiftly." I would like to know what the big hurry was in removing the lady from her home; she was not injured, she had a family member to care for her, she had reasonable mental faculties to hang on and not fall off the bike, she was not fearful or frightened of her son, she did not appear confused or depressed at the time of a brief verbal and film taped interviews, she was not overly emotional nor was she an unresponsive, unable to speak for herself individual. The son did tell me that his mother had been diagnosed with Alzheimer's Disease in 2000 and had not been receiving medication. I think Kathleen Buchanan also remarked in one presentation, about someone not remembering what they had for breakfast, and that was certainly a reason to lock them up? .....And is there not ONE person, in my

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entire listening audience that has not gone to a room to get something....and forgot what it was they meant to get once they got there?? I think some of these officials and Social Workers have NOT spent much time with the elderly. Even some younger folks, given the right circumstance, like overtired, stressed, too many tasks at hand.....can be forgetful!!!!!!!

.....What ..WAS.. the "Act Swiftly" reason to take her away from HER own home? ----the Alzheimer's or the ride on the motorcycle???.....Did you know that Ex-President Reagan was diagnosed with Alzheimer's Disease WHILE HE - WAS - IN - THE - WHITE HOUSE?? .....Do you remember that Astronaut/Senator John Glenn secured the right to be thrust into space for ONE MORE RIDE...and he was over 70??? .....Do you know that our President's own father, Ex-President George Herbert Walker Bush, has been way up in a plane and jumped out of that plane with a parachute in his ..ADVANCED..SENIOR..YEARS?? Do you think he qualifies to be locked up and to have a Public Guardian have him declared incompetent? How about the Senior Citizens that regularly pilot planes, hand-glide, swim the English Channel, perform in Senior Olympics, ride horses, still get out there and work at "make ends meet" jobs after retirement, volunteer to serve the senior public in a forum such as this .....you get the point....do they/we ALL have to have an Alzheimer's professional evaluation before starting their activity? Do we not have the right to function to the best of our ability while we STILL HAVE THE CHANCE???

Some additional signs of Physical, Psychological and Mental Abuse for Seniors to be considered are, presence of:

- abrasion, cuts or bruises
- asphyxiation or hypothermia (lack of air/lack of warmth)
- untreated bed sores
- broken or dislocated bones
- burns or scalding
- unexplained injuries or wounds

over sedation, poisoning (we'll look at this one later.....)  
friction from restraints  
humiliation  
intimidation  
threats  
verbal assault  
restraint from visitors (is the son allowed to visit her????)  
withhold mail or phone calls  
intentionally prevent contact (the RX drugs may cause her  
to have amnesia; thus may end her contact with  
the world....I'll explain more about this later...)

It is apparent from the above list, verbal assault is a topic in Psychological or Mental abuse, and "~~Verbal Assault~~" was listed as a problem by Kathleen Buchanan. Given that the son is a motorcycle riding Vietnam Veteran, and is reportedly an alcoholic, one can only assume his take on the English Language is a colorful one. He cared for Mom for 13 years and ..SHE.. was familiar with his habits and speech, and SHE is NOT the one COMPLAINING about Verbal Abuse . We think the Social Worker, or Guardian Ad Litem Bradley Richardson or perhaps Kathleen Buchanan herself may have been personally offended by something the son, Steven said and called it verbal abuse or a personal threat to them..... NOT that there was ..personal ..verbal ..abuse ..to Evelyn, the mother. The Social Worker and other Government Officials should be adult and professional enough to withstand and appropriately handle said verbal affronts. There are classes for that!!! If there was also an issue of Steven intentionally preventing contact of County officials with his mother, it was indeed his thought of his NEED to protect her FROM THEM!! Kendall Sue Bird, of Clark County Legal Services stated there was no reported abuse by the son, and because THERE IS a family member the ward is usually placed under their care. Alleged verbal threats from a family member ARE NO PROFESSIONAL reason to disrupt a family and overmedicate the ward into the incompetence they have legally created for him or her.

There is also a list of Signs of Exploitation, also listed as

Senior abuse issues. They are often perpetrated by care givers who may or may not also be family members. The list is as follows:

Missing money or property  
Sudden and unusual bank activity  
Unauthorized signatures on checks  
Unusual withdrawals from bank

As to MISSING MONEY OR PROPERTY.....the Guardian Agency has taken all of Evelyn's funds, not the son, as an apparent legally initiated way to control Evelyn, AND her son; again maybe because he ..HAD..possibly been verbally inappropriate to County Workers.  
.....AND..the Guardian says, about the house that could be sold without Evelyn's knowledge or consent, that she only CARES about the WARD, not the son, who will become homeless. So, why, then, when Evelyn escaped from a locked facility AND MADE IT BACK TO HER OWN HOME ..BY ..HERSELF ....BECAUSE THAT IS WHERE SHE WANTS TO BE AND FEELS SAFE.-----WHY IS KATHLEEN SO INTERESTED IN SELLING THAT HOME if she ONLY cares about the Ward?? Evelyn did not have the mind of a deranged, mentally unbalanced person if she managed to get all the way back home from the Alzheimer Facility!!! Seems to me that Evelyn went back home to HER HOUSE to be comfortable with life, as that is where she is happy, with ..HER.. things AROUND HER and HER FAMILY MEMBER PRESENT!!!! THEN the authorities found her and returned her to the "Loving Care" Alzheimer's Home, and got a doctor to prescribe an Anti-psychotic Drug which I will describe in detail in a moment..... I think..... Looking out FOR the ward, would be to see that she is returned to her home, perhaps with some housekeeping help, returning her money to her so she can pay her house note and utilities, returning the missing food stamps so she can eat healthy and wholesome meals, find someone who can understand and assist her son with his mother's care if needed, get a will and living will made out so that provision is made for Evelyn's living family at the end of her life, make sure the

home is homesteaded, to then protect the son in his future .....after all, that is what the ...WARD... would want isn't it?? Instead what is happening is what the Legal Guardian wants.....and that is to give an Anti-psychotic Drug called "Risperidone" generically or "Risperdal" as the manufacturer named it, to Mrs. Cesario. It has a large list of contraindications, side effects and adverse effects. (We have all seen drug manufacturer TV Ads that encourage us to take their dangerous chemical concoction, but be careful of this.....or don't take it if you are on this other pill.....and the side effects are:....OH MY GOSH, can you believe ANYONE would ask their doctor to prescribe it for them after hearing all THAT!!!!!!)

And I refer to excerpts from Lippincott's 2002 Nursing Drug Guide, page 1037 and 1999 PDR (Physician's Desk Reference) Nurse's Handbook page 1141:

"Risperidone has a mechanism of action that is not fully understood, but may block dopamine and serotonin receptors in the brain. Indications are:  
Management of manifestations of psychotic disorders.  
Unlabeled uses: bipolar disorder; treatment of patients with dementia-related psychotic symptoms.

Use with caution in clients with [heart] disease, [some brain disorders], [kidney] or [liver] impairment, and [low blood pressure]. It may cause irregular blood pressure or increased pulse rates (called tachycardia; or fast heart rates that can lead to a stroke).

From WebMD with AOL Health:

"The makers of Risperdal (risperidone) have recently issued a warning that there may be an increased risk of stroke among older adults taking this medication....  
People who take .....[Risperdal] may need to have regular blood tests to check for side effects and to check on their general state of health. Children, teens, and OLDER ADULTS may need to have blood tests more often than other people."

The list of side effects and adverse affects is long, ...and can be viewed on medical web sites, if you need to know more. From the above PDR Nurse's Handbook, I found 119 separate side effects. Of the WORST, I found as follows:

SEIZURES (nursing is cautioned to watch for them)

AMNESIA

DIABETES

NEUROLEPTIC

MALIGNANT SYNDROME (A group of side effects If found together may cause acute kidney failure and DEATH.)

TARDIVE DYSKINESIA (drug induced parkinsonian symptoms and Dyskinesias, (or embarrassing involuntary movements such as chewing or smacking. If seen late in treatment, usually permanent.)

DANGEROUS HEART RHYTHMS WHICH MAY LEAD TO -----STROKE, HEART BLOCKS, MYOCARDIAL INFARCTION, DEATH

SEVERE LOW BLOOD PRESSURE and on and on.....but MOST OF ALL.....There will be.....

No crying, no screaming, no demanding, NO PROBLEM FOR THE STAFF!!!!!!!!!!!!!! In part of my nursing experience and education, I spent 3 months working at Pontiac State Hospital, in MI, in a lock down ward with dangerous and violent women. I know about the drugs used to control/sedate the inmates to keep them compliant; less danger to themselves/others; often provide a more amenable personality, .....BUT more often than not, they JUST SIT AND STARE OFF INTO SPACE, WITH NO QUALITY OF LIFE AT ALL.....The State ran out of money for medication while I was there, and I assisted with the cold bath/cold wet pack wrapping of patients in bed-sheets....it makes them tired, so they just want to sleep, and thus are easier to handle!!!

I must ask here, if Evelyn is being monitored appropriately as listed with the above issues and side effects????? I would only hope so!

Remember my statement we would discuss AMNESIA again?

As of April 29, 2004, Steven, Evelyn's son, says she barely talks and is GETTING WORSE....

I have a question, if you were torn from your home two or three times and locked up...wouldn't you get depressed, or angry, with the people who have you locked up, against your will? Especially if you were well enough in the beginning to state you wanted to go home!!!

Remember when I noted the list of Senior Physical, Psychological, and Mental abuses and one of the items on the list was: OVER SEDATION, POISONING? Well, here it is.....The Clark County Public Guardian, a doctor, and "Loving Care" Alzheimer's Facility and God knows who else, could now be abusing this lovely senior woman, who is around 80 years old, with their drug chemical, and their locked doors....to keep her controlled. The "two week" hearing that was anticipated in the Channel 3 news broadcast has been .....POSTPONED.....UNTIL JUNE 30.....and what kind of mental condition do you supposed Evelyn Cesario will be in by that date???? She might be lucky to know her own name, let alone the fact she once owned a house or who her son is, or had a \$230,000.00 inheritance she never got to enjoy!!!

Some signs of Neglect or Self Neglect are:

- medications not given as prescribed
- lack of needed glasses
- lack of hearing aids or false teeth (Evelyn has a good set of dentures)
- inadequate or insufficient food (FDA issued only 1/2 of food stamps)
- inadequate personal hygiene
- unpaid bills accumulating (only after Guardian took Evelyn's money)
- unsafe or hazardous environment
- inadequate shelter or clothing
- abandonment
- unfulfilled obligations
- lack of supervision

Just a little repeated background for a reminder.....

When the Guardian started keeping all Evelyn's money, they didn't return what was left



after the house payment, to the son during the 10 months or so she .WAS. at home. It mentioned delivery of a \$25.00 check to the son for Mom's medicine, that cost Mom a \$75.00 delivery fee. It could be that the delivery person mentioned by the Guardian might have been a member of the Guardian's office staff; as it was mentioned they could charge more as they also "checked on the ward in the home". And enough money was kept, Steven couldn't get the utilities paid and Mom's expenses, too. That's when they locked Evelyn up again, as NOW an unsafe or hazardous environment could happen, with threat of utilities being turned off. The Legal Services helping Steven get his mother back; stopped representing him, so without a Lawyer, Evelyn goes back to jail!!!

The Guardian says the living conditions were "deplorable." That statement could be the PERSONAL OPINION of the evaluator. What might be comfortable or creative clutter to the homeowner might be deplorable to someone such as a County Worker with an agenda at hand and a report to write.

And quoted from the Guardian Ad Litem's, statement listed on Channel 3 as follows:

"There doesn't appear to be any clear evidence of abuse or neglect by Mr. McQuaid. Although their financial situation isn't ideal it's not appropriate to prohibit Mr. McQuaid from caring for Mrs. Cesario"

The son is NOT listed on the house note, but there is proof he contributed \$10,000 at purchase. The Guardian says, about selling the house, " we're just LOOKING OUT FOR OUR WARD!!" At one point the woman escaped the locked facility, and went home, and according to her own words on the news tape, her wish IS.....to be in her own home, to live out HER own life as she wants. She stated clearly, "I want to go home!" Now she is NOT just a WARD anymore, she is a client/patient being medicated OUT OF HER MIND....AND I NEED TO ASK---FOR WHAT INITIAL SYMPTOMS WAS SHE STARTED ON THIS DRUG??????? My thought is.....mostly to keep her in place until a June 30 hearing.....and by that time she could be "gorked" out of her mind enough to BE an incompetent person at her upcoming trial. Then, they



legally have control of her money, and may try to sell her home, keep her medicated so she doesn't have a clue that all of this is being done without her knowledge or consent. THEN.... her frantic son who cared for her for 13 years will be homeless, out \$10,000.00, WITHOUT THE MOM HE LOVES.....but HE is NOT the Guardian's problem, the Ward IS!!

With all this rhetoric and thought, it has come my thinking and that of my associates with Village Seniors; that there needs to be another person to interject opinion for the Ward. This person would be a surrogate or sort of deputy to aid and act with the voice and wishes of the client and the family in mind. The surrogate could also assess the home, give another opinion, doing an independent investigation to be considered with all persons and all sides covered. This report would go directly to the judge to aid in his/her knowledge of the particulars in each case. Our purpose in this proposal is to provide direct advocacy FOR the client, ward, and family with fair treatment a prime requirement. There could be some retired nurses out there, that would be more than capable in these assessments, they could work part time/per case. Lay-persons, if properly informed and educated in the principles of advocacy, could also be utilized. I would imagine a set of guidelines should be developed, as an assurance that all have the same agenda to follow. Assessment forms would also clarify and unify the evaluation process. We as retired persons must protect the community for our own future ability, life fulfillment and personal safety.

Thank you for allowing me this opportunity to speak to this important issue of Senior Safety, from the medical point of view. I hope I have enlightened everyone. ~~There is~~ knowledge out there, for those who seek it, and I am always seeking.

*Some important issues*

## **SOME WARNING SIGNS OF ABUSE, NEGLECT, EXPLOITATION OR ISOLATION**

### **VICTIM'S BEHAVIORAL SIGNS**

- fearful
- easily frightened
- confused
- overly emotional
- depressed
- unresponsive

### **PHYSICAL SIGNS OF ABUSE**

- abrasions, cuts or bruises
- asphyxiation or hypothermia
- untreated bed sores
- broken or dislocated bones
- burns or scalding
- unexplained injuries or wounds
- over sedation, poisoning
- friction from restraints

### **PSYCHOLOGICAL OR MENTAL ABUSE**

- humiliation
- intimidation
- threats
- verbal assault

### **EXPLOITATION**

- missing money or property
- sudden and unusual bank activity
- unauthorized signatures on checks
- unusual withdrawals from bank

### **NEGLECT OR SELF-NEGLECT**

difference is who is responsible for care -  
another person (neglect) or the older person (self-neglect)

- medications not given as prescribed
- lack of needed glasses
- lack of hearing aids or false teeth
- inadequate or insufficient food
- inadequate personal hygiene
- unpaid bills accumulating
- unsafe or hazardous environment
- inadequate shelter or clothing

### **NEGLECT**

- abandonment
- unfulfilled obligations
- lack of supervision

### **ISOLATION**

- restrain from visitors
- withhold mail or telephone calls
- intentionally prevent contact