(In)voluntary psychiatric hospitalization of geriatric patients with dementia in Portugal

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Abstract

Introduction: With the ageing of the population, dementia is becoming increasingly common in our communities and in health practice settings. 40-90% of patients will develop psychiatric symptoms at some point during their journey within these illnesses. Frequently, the psychiatrist is faced with clinical cases where patients with dementia exhibit behavioral symptoms and lack insight, which can lead to the refuse of treatments as hospitalization.

Objectives: To comment Portugal’s state legislation, policy and practice implications.

Methods: Review of literature related with involuntary hospitalization (IH) and dementia and their legal and social consequences.

Results: In Portugal, all citizens have the right of liberty and security (Art.27). However, there are some exceptions as for involuntary placement in mental disorders. The IH is conducted by the Portuguese Mental Health Act (Law nº 36/98), which foresees some conditions such as the presence of mental disorders that imply real danger to the patient or others, risk of further deterioration, of which the person is unaware. There are few national data about this matter.

Discussion: The only report about the reality in Portugal -Alzheimer Europe- declares that the IH of people with dementia is well regulated by the Portuguese Mental Health Act. However, Article 27 is frequently violated because the majority of them are residents in nursing homes without their consent. Nowadays, there is an increase of civil actions concerning this specific population that intend to nominate legal guardians.

Conclusions: The aim of preserving and enhancing the autonomy of older adults is an important target in this specific population, often forgotten by others. More epidemiological data and research are needed, focusing the patterns, conditions and the types of diagnosis that are most commonly used in cases of IH in the elderly.

Supplementary material: Complete presentation available at http://ijcnmh.arc-publishing.org

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