

**PRESENTED AT**

21st Annual Estate Planning, Guardianship and Elder Law Conference  
August 1-2, 2019  
Moody Gardens Hotel – Galveston, TX

**SEX, DRUGS, GUNS, CARS AND DEMENTIA**

**John K. Ross IV**

John K. Ross IV

Ross & Shoalmire, LLP

Texarkana, Texas 75503

[john@rossandshoalmire.com](mailto:john@rossandshoalmire.com)

903.223.5653

**John K. Ross IV**  
ROSS & SHOALMIRE, L.L.P.  
1820 Galleria Oaks  
Texarkana, Texas 75503  
903-223-5653  
john@rossandshoalmire.com

***EDUCATION:***

B.B.A.; Texas State University (Major - Accounting), (2000)  
J.D. Texas Tech University School of Law, (2002)

***PROFESSIONAL ACTIVITIES:***

- Founding partner of the Ross & Shoalmire, LLP law firm – serving East Texas and Southwest Arkansas with offices in Texarkana, Paris, Longview, Tyler and Magnolia AR (est. 2005)
- Thirteen year Member of the National Academy of Elder Law Attorneys
- Member State Bar of Texas Real Estate, Probate, Trust Law Section since 2003
- Former Infantry Squad Leader, United States Marine Corps 1995-1999
- Accredited Veteran’s Administration Attorney

***MEDIA APPEARANCES***

Television host - Aging Insight® on KLFY TV 2014 to Present  
Radio host - Aging Insight® on 98.7 KTFS 2014 to Present  
Publisher - Aging Insight® Magazine 2014 to Present  
Podcast - Big Picture Retirement (iTunes Top 100)  
Featured in the Wall Street Journal, Forbes, A Place for Mom and others.

***SELECTED PUBLICATIONS & SPEAKING ENGAGEMENTS:***

Creator and Presenter of the Law School Lunch programs - a quarterly, free community program on Elder Law presented in over 45 locations in Texas and Arkansas 2014 - Present

Author and Presenter, “Drafting Irrevocable Income-Only Trusts” NAELA Annual Conference 2012

Author and Speaker, “Elder Law Update” and “Elder Abuse” REACT Conference - an annual program presented by the Area Agencies on Aging (yearly 2011 to Present)

***COMMUNITY SERVICE***

Fourth year President of the Tri-State Alzheimer's Alliance, 2014 to Present

- Raised over One Million dollars to create the first dedicated Alzheimer's Respite Center in East Texas
- Created the Twice as Fine Texarkana Wine Festival for Alzheimer's, currently the largest public event in Texarkana Texas raising in excess of \$200,000.00 annually for Alzheimer's

Board Member and Vice-Chairperson - Christus Rehabilitation System, 2016 to Present - The Christus Trinity Healthcare System is the largest medical provider in East Texas. Their rehabilitation system is a series of accredited rehabilitation hospitals for adults and children.

## SEX, DRUGS, GUNS, CARS AND DEMENTIA

By John K Ross IV

### *Forward*

We as a society have come to accept that polarizing political issues are a normal aspect of daily life. Our twenty-four-hour newsfeeds, Twitter accounts, Facebook pages and the like now constantly present us with our friends' and celebrities' views on such hot topics as the #METOO movement, gun control, legalization of marijuana and other issues. However, such political hot topics do not typically bring to mind Elder Law issues as the first point of consideration. The impact of these issues in the Elder Law context can and do have potentially devastating repercussions on seniors, particularly those suffering from cognitive decline.

Currently one in three seniors will die of Alzheimer's disease or a related dementia making it deadlier than breast cancer and prostate cancer combined.<sup>1</sup> And with Alzheimer's projected growth rate going from a current six million cases to an estimated fourteen million cases by the year 2050, we are on the precipice of a health crisis of pandemic proportions. As elder law attorneys, we are uniquely equipped to assist families and caregivers in navigating the health, housing, financial and legal issues that come with dementia, particularly when it comes to government assistance programs, powers of attorney, guardianship and general experience-based knowledge of what challenges these

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<sup>1</sup> [https://www.alz.org/alzheimers-dementia/facts-figures?utm\\_source=google&utm\\_medium=paidsearch&utm\\_campaign=google\\_grants&utm\\_content=alzheimers&gclid=EAIaIQobChMIInvbUi9Sv4wIVD9bACh1zbg5EEAAYAyAAEgI3cPD\\_BwE](https://www.alz.org/alzheimers-dementia/facts-figures?utm_source=google&utm_medium=paidsearch&utm_campaign=google_grants&utm_content=alzheimers&gclid=EAIaIQobChMIInvbUi9Sv4wIVD9bACh1zbg5EEAAYAyAAEgI3cPD_BwE)

people face. Practitioners who have been at this for any length of time are rarely surprised by situations that the clients think are limited to their particular case. However, the same practitioner can overlook issues that, on their face, seem extraneous to the more typical issues, but that can have major consequences in many cases, including criminal penalties.

This paper will cover a few of the places where hot button political issues have intersected with dementia in recent years. Because many of these issues are new, the actual law and strategies in addressing these situations can be theoretical and untested. Specifically, this paper will cover how dementia impacts a person's ability to consent to sexual contact; ownership, possession and purchasing of firearms; use of marijuana; and operation of automobiles. Special thanks to the Alexander Collins and Kristen Ishihara for their contributions to the marijuana and automobile sections of this paper.

## SEX

### *Introduction*

Beginning with a study published in 2007 in the New England Journal of Medicine, research has been conducted on the prevalence of sex in older adults, including those with dementia.<sup>2</sup> According to that study most Americans age 57 to 85 have a partner with whom they have an active sexual relationship. In a follow-up 2018 study published in the Journal of the American Geriatrics Society, researchers found that the prevalence of sexual activity did not decrease with cognitive impairment.<sup>3</sup> Having looked at sexual frequency

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<sup>2</sup> Lindau S.T., Schumm L.P., Laumann EO et al. *A study of sexuality and health among older adults in the United States*. N Engl J Med 2007;357:762–774.

<sup>3</sup> Lindau, S. T., Dale, W. , Feldmeth, G. , Gavrilova, N. , Langa, K. M., Makelarski, J. A. and Wroblewski, K. (2018), *Sexuality and Cognitive Status: A U.S. Nationally Representative Study of Home-Dwelling Older Adults*. J Am Geriatr Soc, 66: 1902-1910.

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First appeared as part of the conference materials for the  
21<sup>st</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Sex, Drugs, Guns, Cars and Dementia"