



Assessment of High-Level Professionals with Subtle Deficits: The Potential for Societal Impact From Neurocognitive Loss

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Executive Assessment: Why?

- Why do high level executives, professionals, physicians, jurists, financial decision makers need a neuropsychological evaluation of their executive thinking and mental health...
 1. Why, if they opine that they are not having deficits?
 2. Why, if they are “told” to do so.

The rationale when they do not perceive any deficits?

The rationale is a shift from a reactive, deficit-based model to a proactive model focused on optimization, risk mitigation, and establishing an objective baseline for the future.

When there is concern for deficits?

The rationale when they are “told” to do so, is the historic “medical necessity” basis for any such assessment. However, many of these exams do NOT meet MN criteria and should not be covered under a health plan.

Here are the primary reasons why such an evaluation is valuable for the “Normal” cohort:

1. Establishing an Objective Cognitive Baseline: High-functioning individuals often have a subjective sense of their cognitive abilities that may not align with objective data.

- ❑ **The "Annual Physical for the Brain":** Just as a healthy individual gets an annual physical to establish baseline cardiovascular and metabolic data, a neuropsychological evaluation establishes a precise, data-driven baseline of their cognitive functioning (e.g., processing speed, working memory, executive planning, cognitive flexibility).
- ❑ **Future Comparison:** Without it, clinicians can only compare their performance to normative data for their age and education, not to their own unique, high-functioning peak.

2. Performance Optimization and Enhancement:

For high level professionals, the goal is not just to be "not impaired," but to function at their absolute peak.

- ❑ **Identifying Cognitive Assets and Liabilities:** An evaluation can identify not just weaknesses, but also specific cognitive strengths. This allows the individual to better leverage their strengths and develop compensatory strategies for even minor relative weaknesses.
- ❑ **Data-Driven Coaching:** The results can inform executive coaching, helping professionals refine their decision-making processes, improve time management, and enhance problem-solving skills based on their unique cognitive profile. It moves coaching from subjective advice to a targeted, evidence-based intervention.

3. Early Detection of Subtle Changes

- ❑ High-achieving individuals are masters of compensation. They can often mask subtle cognitive declines through experience, established routines, and sheer effort, making them unaware of underlying issues until they become significant.
- ❑ **Sub-Clinical Deficits:** An evaluation can detect subtle declines in areas like processing speed or cognitive flexibility that may not be apparent in daily functioning but can impact the quality and efficiency of high-level decision-making.
- ❑ **Impact of Chronic Stress and Burnout:** The cognitive effects of chronic stress, sleep deprivation/disorders, and burnout are well-documented. A neuropsychological evaluation can quantify these effects, differentiating them from a primary neurological or psychiatric condition and providing a clear impetus for intervention (e.g., stress management, lifestyle changes).

- ❑ **Underlying Medical Conditions:** Changes in thinking can be an early indicator of underlying medical issues, such as vascular changes, metabolic disorders, or the very earliest stages of a neurodegenerative process, and/or the presence of an undiagnosed diabetes, residual of a prior health condition such as COVID, an untreated sleep disorder or hearing loss, long before they manifest in obvious functional impairment.

4. Mitigating Organizational and Personal Risk: The decisions made by these professionals have significant consequences. A minor cognitive lapse can lead to major safety, financial, legal, or medical repercussions.

- ❑ **Fitness for Duty:** In some contexts (e.g., surgeons, pilots, key financial officers, Board of Directors Memberships, police officers), these evaluations can be part of a "fitness for duty" assessment to ensure the individual can safely and effectively perform their high-stakes role.
- ❑ **Objective Data for Decision-Making:** It provides objective data that can protect both the individual and the organization. For example, it can help in planning for succession or in making accommodations that support the professional's longevity and effectiveness.

5. Differentiating and Clarifying Mental Health Concerns:

The pressures on this cohort lead to high rates of anxiety, depression, and substance use, which have significant cognitive symptoms.

- ❑ **Symptom Overlap:** Symptoms like poor concentration, mental fatigue, and indecisiveness can be due to depression, anxiety, burnout, a primary cognitive disorder, or a combination of these issues. A comprehensive evaluation helps disentangle these factors.
- ❑ **Reducing Stigma:** Framing the evaluation as a "cognitive performance assessment" can be a less stigmatizing entry point for a professional to address underlying mental health issues they might otherwise be reluctant to acknowledge.

Analogy: The Elite Athlete

- ❑ Think of a top-tier professional athlete. They do not wait until they have a torn ACL to see a specialist. They have a team of physicians, nutritionists, and sports psychologists who constantly monitor their performance, biomechanics, and mental state to optimize performance and prevent injury.
- ❑ Similarly, for a "corporate athlete" or a top-tier professional, a neuropsychological evaluation is not about diagnosing a problem; it is about **fine-tuning their most critical asset—their brain**—to ensure peak performance, longevity, and resilience in a demanding environment.

- In summary, the value proposition for an asymptomatic, high-level professional is not "What is wrong with me?" but rather:
 - **"How can I be better?"** (Optimization)
 - **"What is my objective baseline for the future?"** (Proactive Health Management)
 - **"Are there any hidden risks to my performance or well-being?"** (Risk Mitigation)
- *Of course, the justification(s) for such care does not meet medical necessity in most situations, and is a private pay situation.*

In summary, the value proposition for assessing a *symptomatic*, high-level professional includes the following:

Personal Health and Treatment

Professional Welfare

Business (Including employees) Decision Welfare

Societal Decision Welfare

Public Safety Decision Welfare

The Problem with Mental Health Professionals Offer Opinions Regarding The Mental Health of Public Figures Whom They have not Examined

Executive Assessment: A Tale of Two Cities

The Second City

But First,
let's talk about the “Goldwater Rule”

- Stems from the 1964 U.S. presidential election, where “Fact Magazine” published a controversial survey of psychiatrists on Senator Barry Goldwater’s mental health fitness for office, many of the psychiatrists responded with diagnoses without ever examining him. Goldwater lost the election to Johnson (486 to 52 electoral votes). It led to a lawsuit (Goldwater won) against the magazine and an embarrassment for the American Psychiatric Association.

- The Rule (Section 7.3 of the American Psychiatric Association's Principles of Medical Ethics): It is unethical for a psychiatrist to offer a professional opinion about a public figure whom they have not examined in person and from whom they have not obtained consent to discuss their mental health in public statements.

Arguments for Applying This Principle to Psychology

- ❑ The ethical foundation of the Goldwater Rule is highly relevant to neuropsychology, given the field's reliance on objective data.
- ❑ Invalidity of "Armchair" Assessment: A neuropsychological evaluation is a highly structured, data-driven process. It requires:
 - A comprehensive clinical interview.
 - Review of extensive medical, educational, and social records.
 - Standardized, performance-based testing under controlled conditions.
 - Assessment of effort and validity of the performance.
 - Integration of all data to form a diagnosis and recommendations. To offer an opinion based on media clips, public behavior, or speech patterns is to ignore the entire scientific basis of the profession and is professionally indefensible.

High Risk of Public Misinformation:

- In this presentation, we note that our services may include high level individuals who are known to the public (and about whom the public is curious as to their current cognitive / mental health capabilities). The cognitive health of public figures is a topic of intense public interest (e.g., a politician's memory, an athlete's concussion history, a physician's capability and/or culpability in a malpractice suit).
- A neuropsychologist's opinion carries significant weight, because of the objective nature of the exam. Offering a specific "diagnosis" or conclusion without an appropriate evaluation (or without qualification that they have not been examined personally) can mislead the public, stigmatize individuals, and trivialize the complex nature of brain-behavior relationships.

Existing Ethical Guidelines (The "De Facto" Goldwater Rule)

- ❑ Neuropsychology is governed by the ethical codes of psychology (APA) organizations, as well as its own specialty guidelines. These codes prohibit diagnosing individuals who have not been properly evaluated – unless declared as such.
- ❑ American Psychological Association (APA) Ethical Principles:
- ❑ Standard 9.01 (Bases for Assessments): Psychologists base their opinions contained in their recommendations, reports, and diagnostic or evaluative statements on information and techniques sufficient to substantiate their findings. This implicitly prohibits opinions based on insufficient data, such as public observation.
- ❑ When offering an opinion (e.g. forensic opinion) based solely upon record review, the psychologist must state that the opinions are NOT based upon an assessment of the individual but upon the information provided (by the retaining party).

- Standard 5.04 (Media Presentations): When psychologists provide public advice or comment, they take precautions to ensure that statements are based on their professional knowledge and are consistent with the Ethics Code, and they do not indicate that a professional relationship has been established.
- National Academy of Neuropsychology (NAN) & American Academy of Clinical Neuropsychology (AACN): Both organizations have issued position papers and ethical statements strongly discouraging members from commenting on the cognitive functioning of public figures they have not personally evaluated.
- For example, a 2020 NAN statement explicitly warns against "diagnosis by media" and reinforces that such actions are a violation of core ethical principles.

In Summary: “Goldwater Rule” & Discussion of the Mental Health of Public Figures

- The prohibition against diagnosing individuals at a distance is a foundational ethical principle for psychologists.
- The consensus among professional organizations is clear: it is unethical and a violation of the standard of care to offer a diagnostic opinion about a public figure without conducting a formal, comprehensive evaluation.

Executive Assessment: A Tale of Two Cities

Why do high level executives, professionals, physicians, jurists, financial decision makers need a neuropsychological evaluation of their executive thinking and mental health...

- Why, if they are “told” to do so.
- Why they may resist.....

Here are the primary situations and underlying reasons why a high-level professional may resist such a referral, categorized for clarity.

1. Professional and Career-Related Fears:

This is often the most significant driver of resistance. The individual's career, reputation, and livelihood feel at stake.

- **Fear of a "Career-Ending" Diagnosis:** The primary fear is that the assessment will uncover a deficit or condition that could lead to demotion, forced retirement, or termination. They may think, "If they find something, I'm finished."

- **Weaponization of Results:** There is a profound concern that the results, regardless of their nuance, will be used against them. They may fear the report will be misinterpreted or selectively used by management during performance reviews, succession planning, or legal disputes.

- **Loss of Professional Standing and Reputation:** High-level professionals have built an identity around being competent, sharp, and resilient. A referral can feel like a direct challenge to this identity, and they may worry about being labeled as "impaired," "unstable," or "unfit" by colleagues and the organization.

- **Concerns about Confidentiality:** Despite assurances, there is often deep skepticism about whether the results will remain truly confidential. They may worry the information will be entered into their HR file and follow them for the rest of their career. They have legitimate concerns regarding the doctor's records being hacked. They are concerned about cognitive status findings being shared to the public.

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2. Psychological and Emotional Barriers

These reasons are rooted in the individual's self-perception and emotional response to the situation.

- **Stigma and Perception of Weakness:** There remains a powerful stigma around mental and cognitive health, especially in competitive, high-stakes environments. Seeking or being sent for an assessment can be perceived as an admission of failure or a sign of personal weakness.

- **Threat to Self-Concept:** These individuals see themselves as the epitome of control and high-functioning intellect. The suggestion that their mind—their primary professional tool—may be flawed can trigger a significant identity crisis and strong defensive reactions.

- **Lack of Insight (Anosognosia):** The professional may genuinely not believe they have a problem. High-functioning individuals are often masters at compensating for subtle deficits. They may attribute slips in performance to stress, fatigue, or external factors, rather than an underlying cognitive or psychological issue.

- **Fear of the Unknown:** The assessment process itself can be intimidating. The individual may fear "failing" the tests or discovering something troubling about themselves that they would rather not confront.

Here are the primary Issues why a high-level professional may Resist such a referral, categorized for clarity.

3. Interpersonal and Relational Dynamics

The relationship with the referring manager or organization is a critical factor.

- **Distrust of the Referrer's Motives:** The professional may not believe the referral is genuinely for their well-being. They might interpret it as a political move, a form of retaliation, or a bureaucratic step to manage them out of the organization. They may see it as an intra-familial issue with other family member seeking control of (a) the person, (b) business (ownership and or voting shares), (c) finances and/or estate, (d) a marital dissolution and/or custody battle strategy.

- **Violation of Autonomy and Control:** Executives, physicians, and jurists (and similar genres of professions) are accustomed to being in positions of authority. Being mandated to undergo an assessment is a profound loss of control and can feel infantilizing, leading to resistance as a way to reassert their autonomy.

- **Perceived Betrayal:** If the referral comes from a long-trusted boss, mentor or loved one, it can feel like a personal betrayal, leading to an emotional and defensive response rather than a logical one.

Here are the primary situations and underlying reasons why a high-level professional may resist such a referral, categorized for clarity.

4. Practical and Logistical Objections

While sometimes used to mask deeper fears, these practical concerns can also be genuine.

- **Skepticism of Validity of Results:** “It doesn’t apply to me because...”. The professional may be skeptical of the scientific validity of psychological or neuropsychological testing. They might dismiss it as "pseudoscience" or "corporate nonsense" that cannot possibly capture the complexity of their role.

- **Time Commitment:** These are extremely busy individuals. A comprehensive evaluation requires a significant time commitment (often several hours), which they may view as an unproductive and unnecessary disruption to their critical work.

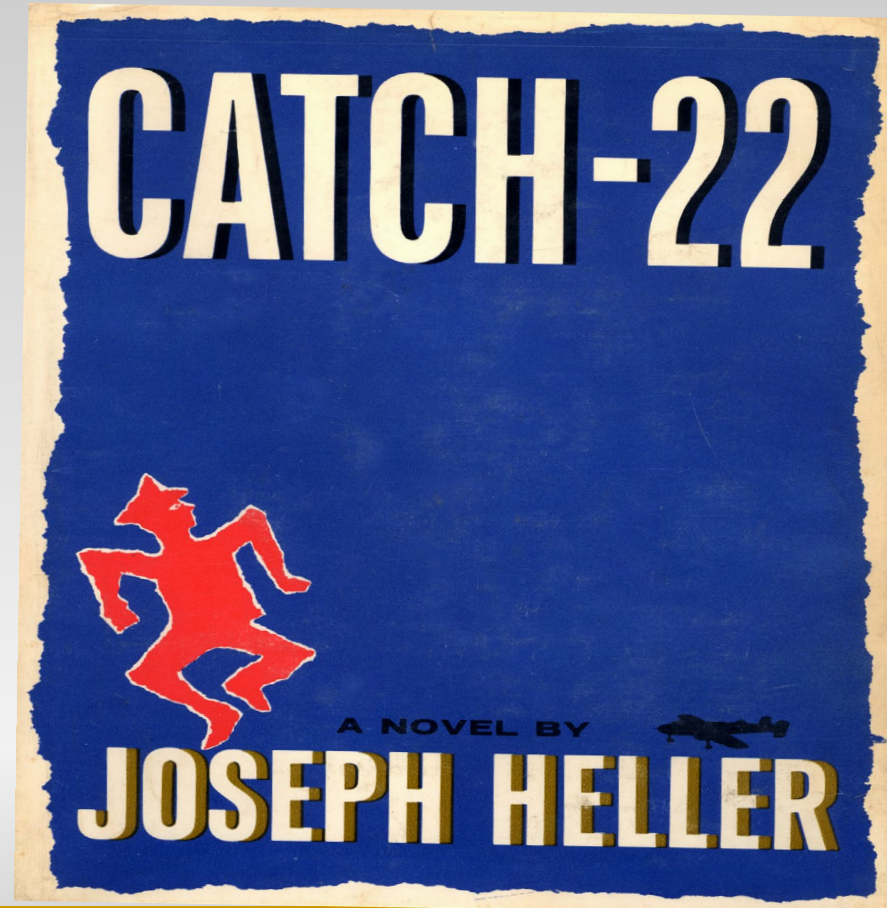
- **Concerns about the Evaluator:** They may question the qualifications, impartiality, or competence of the chosen clinician, fearing a biased or inaccurate assessment.

Summary of Resistance Profiles:

- **The Denier:** "There is absolutely nothing wrong with me. This is a waste of time and an insult." (Lack of Insight)
- **The Strategist:** "I see what you're doing. This is just a way to build a case to get rid of me." (Distrust of Motives, Fear of Job Loss)
- **The Pragmatist:** "I don't have time for this. My work is too important to be sitting in a doctor's office for six hours." (Time Commitment, Skepticism)
- **The Guardian of Identity:** "My mind is my greatest asset. I will not submit to a process that questions my fundamental competence." (Threat to Self-Concept, Stigma)

- Understanding the above issues and reasons is crucial for any assessment or treatment to be successful.
- Addressing the referral requires approaching the individual with transparency, maintenance of dignity and respect, and a clear focus on the supportive intent of the evaluation. At the same time, always keep in mind that the examinee may perceived a punitive intent as present.
- Addressing the limits confidentiality (or limitations) of the results and recommendations.
- These issues often arise again at the time of feedback.

Some Folks View the Process as Reminiscent of ...



Fun Example: Before We Explain How It Can Be Done – How Would You handle the Referral?

- You receive a personal communication from the Dean of Students at California Institute of Technology (Caltech), requesting your assistance in addressing concerns raised about Dr. Sheldon Cooper's observed changes in neurocognitive status.
- Presenting information: “1. His cognitive function - complaints from his research team, other faculty and friends, including Dr. Leonard Hofstadter. Changes have been noted for word search, abstract thinking and multi-tasking, as well as cognitive processing speed. 2. Also noted has been a decrease in attention to self-care, grooming/personal hygiene, and an increase in irritability.

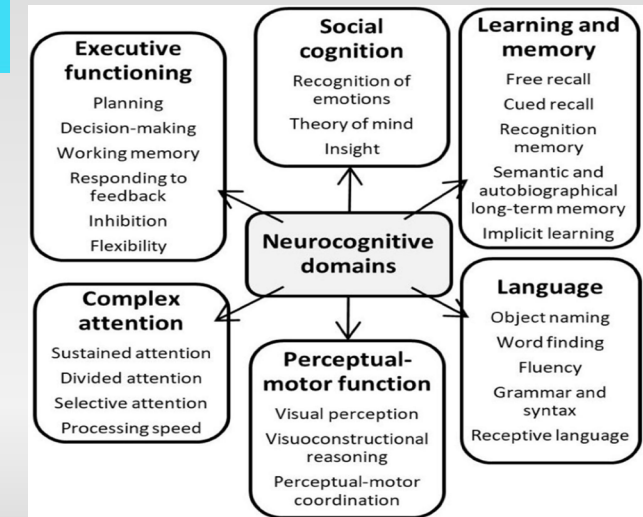


Fun Example: Before We Explain How It Can Be done – How Would You handle the referral?

Don't jump to conclusions or diagnosis.

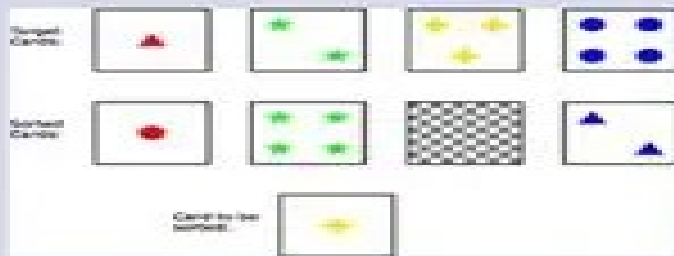
Instead FOCUS on what steps you would take to address the referral.

What cognitive/mental health areas should be assessed in this otherwise very high functioning adult.

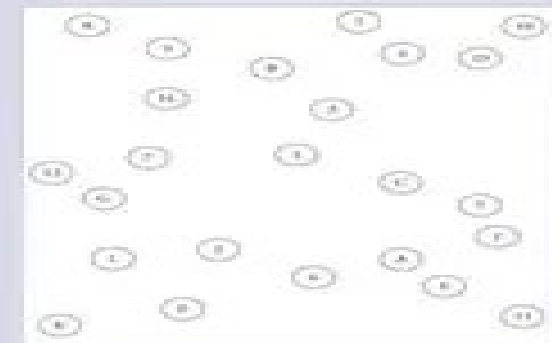


Beware of the hidden risk for incorrect diagnosis in your test selection!

Neurocognitive Tests



Digit span test		
	Column 1	Column 2
Forward test	(D) 2-6-8	(D) 2-6-1
	(K) 5-8-2-8	(K) 5-8-5-2
	(S) 2-4-7-8-1	(S) 5-2-1-4-8
	(B) 4-2-5-8-3-7	(B) 8-5-3-5-4-7
	(T) 3-8-4-8-2-8	(T) 8-8-1-4-2-3-8
Backward test	(B) 7-8-2-8-8-1-8	(B) 2-8-5-8-7-3-5-4
	(D) 5-8-8-4-2-7-3-8-1	(D) 4-2-5-8-1-3-8-7-4
	(S) 2-1	(S) 2-8
	(K) 5-8-8	(K) 2-2-8
	(B) 8-8-8-1	(B) 2-8-4-1
	(S) 8-8-7-2-1	(S) 3-8-8-7-4
	(B) 8-8-7-4-8	(B) 4-8-5-8-2-8
	(T) 8-3-8-2-8	(T) 5-3-8-1-8-8
	(B) 5-3-8-3-5-2	(B) 8-8-4-7-8-3-2
	(S) 5-7-4-3-8-3-5-2	(S) 8-8-4-7-8-3-2
Maximum digit number for Forward test: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		
Maximum digit number for Backward test: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		
Total score: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		



- In the prior test examples, each task uses color(s) as part of the stimulus and or the task itself. Clarification of a history of color blindness / color differentiation as part of any a priori test selection (or rejection of a test choice) is clearly relevant so as to avoid a false interpretation of cognitive impairment in test performance when the actual deficit is perceptual (color vision deficiency or CVD).

Assessment of High-Level Professionals with Subtle Deficits: The Potential for Societal Impact From Neurocognitive Loss

- This is a specialized area of practice that requires a nuanced approach, moving beyond standard screening tools to address issues like high cognitive reserve, ceiling effects on traditional tests, and the critical need to differentiate between normal aging, stress/burnout, psychiatric conditions, and the earliest stages of a neurodegenerative process.

The History – Review of Records and Interview

Obtaining a comprehensive and nuanced medical/psychosocial history is paramount when assessing a high-functioning executive with subtle cognitive complaints. Their high cognitive reserve can mask significant underlying pathology, and their symptoms often manifest as a decline from a very high baseline rather than a drop into an impaired range on standardized testing.

Here is a structured guide to the medical history you should obtain, tailored to this specific patient profile.

Comprehensive Medical History for a High-Functioning Executive

1. History of Presenting Illness (HPI) This is the most critical section. Probe for specific, real-world examples.

- **Nature of the Deficits (The "What"):**

- **Executive Functions:** Ask for concrete examples. "Tell me about a time recently when a complex project felt overwhelming." "Have you found yourself struggling with multitasking, like managing emails while on a conference call?" "Any changes in your ability to plan, organize, or prioritize tasks?" "Have colleagues or your assistant noted any changes in your decision-making or timeliness?"

- **Memory:** Differentiate types of memory loss. "Is it more about forgetting a name that's on the tip of your tongue, or forgetting key details from an important meeting you just left?" "Are you misplacing items like keys or your phone more often?" "Have you found yourself repeating questions or stories?"
- **Attention/Concentration:** "How is your focus during long meetings or while reading dense reports?" "Do you find yourself needing to re-read emails or documents multiple times to absorb the information?"

- **Language:** "Have you had any trouble finding the right word, especially for specific or technical terms you use regularly?" (anomia)
- **Processing Speed:** "Does it feel like it takes you longer to 'get up to speed' in the AM or to process information in a fast-paced discussion?"
- **Hobbies and Activities:** What are your hobbies and activities? Have there been changes? Example: Mid 60's executive whose hobby as the Vice Commodore/Principal Race Officer at his Yacht Club was the planning of the annual Yacht Club Race. This involved working with various committees and making all final decisions including the boat start sequences, course changes, etc. He was asked (privately) to resign when he was found to be making mistakes.

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- **Onset and Course (The "When" and "How"):**
 - When did the patient (or others) first notice these changes? Was the onset gradual or abrupt?
 - Is the course progressive, static, or fluctuating?
 - Can they link the onset to any specific event (e.g., a period of high stress, an illness, a new medication, a head injury)?

 - **Social/Interpersonal:** "Have these changes affected your relationships with your spouse, family, or friends?"

 - **Activities of Daily Living (ADLs/IADLs):** "Any new difficulties managing complex finances, travel arrangements, or household responsibilities?"
-

- **Occupational:** This is key for an executive. "How has this impacted your performance at work?" "Have you received any new or unusual feedback from supervisors or direct reports?" "Have you made any uncharacteristic errors in your work?" "Are you working longer hours to accomplish the same amount of work?" "Any changes in at home activities?"
- **Patient's Insight and Causal Attribution:** What does the patient believe is causing these issues? (Common attributions: stress, burnout, aging, lack of sleep). Understanding their narrative is crucial.
- **Family Information:** Joint and additional separate interviews with the family is recommended. The separate family interview should be very detailed.

2. Past Medical History (PMH)

- ❑ Focus on conditions known to affect cognition and mental health.

- ❑ **Neurological Conditions:**
 - **Traumatic Brain Injury (TBI)/Concussion:** Even "minor" concussions from sports decades ago are relevant. Ask about any history of head injury with or without loss of consciousness.
 - **Cerebrovascular Disease:** Stroke, Transient Ischemic Attack (TIA).
 - **Seizures/Epilepsy:**
 - **Headaches/Migraines:** Especially migraines with aura, which can have vascular implications.

- **Infections:** History of meningitis or encephalitis.
- **Cardiovascular and Vascular Risk Factors:**
 - Hypertension (HTN)
 - Hyperlipidemia (HLD)
 - Diabetes Mellitus (DM), including history of glycemic control.
 - Atrial Fibrillation (AFib) or other arrhythmias.
 - Coronary Artery Disease (CAD) / Myocardial Infarction (MI).
- **Psychiatric History:**
 - Depression, Anxiety, Bipolar Disorder, PTSD, ADHD. A primary mood disorder can present with significant cognitive symptoms ("pseudodementia").

■ **Sleep Disorders:**

- ❑ **Obstructive Sleep Apnea (OSA):** Critically important and often undiagnosed. Ask about snoring, witnessed apneas, daytime sleepiness, and morning headaches. Untreated OSA is a major cause of executive dysfunction.
- ❑ Insomnia, Restless Leg Syndrome.
- ❑ REM Sleep Behavior Disorders (Often present several years before cognitive symptoms noted - potential precursor to Parkinson Disease)

■ **Other Systemic Illnesses:**

- ❑ **Metabolic/Nutritional:** Vitamin B12, folate, or thiamine deficiency.
- ❑ **Endocrine:** Thyroid disease (hypo- or hyperthyroidism).
- ❑ **Oncologic:** History of cancer, especially with CNS involvement or treatment with chemotherapy/radiation ("chemo brain").
- ❑ **Autoimmune/Rheumatologic:** Lupus, MS, etc. **Autoimmune Encephalopathy**
- ❑ **Hepatic or Renal disease.**
- ❑ **Tick Bourne Illnesses**

3. Medications, Supplements, and Substances (Check w/ Epocrates)

- ❑ **Prescribed Medications:** Obtain a complete list, including dosage and frequency. Pay special attention to:
 - Anticholinergics (e.g., for overactive bladder, some antidepressants)
 - Benzodiazepines and "Z-drugs" (e.g., zolpidem)
 - Opioids
 - Statins
 - Anticonvulsants
 - Beta-blockers
- **Over-the-Counter Medications & Supplements:** Ask specifically about sleep aids (e.g., diphenhydramine), allergy medications, and any "nootropic" or cognitive-enhancing supplements.

■ **Substance Use:**

- ❑ **Alcohol:** Quantify use (drinks per day/week). Use a standardized screener like the AUDIT-C. Inquire about changes in consumption patterns.
- ❑ **Caffeine:** Quantify daily intake.
- ❑ **Tobacco/Nicotine:** Current and past use.
- ❑ **Cannabis and other recreational drugs:** Past and present use, frequency, and modality. List
- ❑ **Medication Use/Abuse:**

■ 4. Family History

- Inquire about first-degree relatives (parents, siblings, children) with a history of:
 - Dementia (specify type if known: Alzheimer's, Vascular, Frontotemporal, Lewy Body). Note the age of onset.
 - Parkinson's Disease or other movement disorders.
 - Significant psychiatric illness.
 - Cardiac
 - Genetic

■ 5. Social, Educational, and Occupational History

- ❑ **Educational History:** Highest level of education achieved. Note any history of learning disabilities or academic difficulties. This helps establish a premorbid intellectual baseline.
- ❑ **Occupational History:** Get a detailed description of their current role and its cognitive demands. What was their career trajectory? This provides context for their baseline functioning.
- ❑ **Lifestyle:**
- ❑ **Stress:** Current work and life stressors.
- ❑ **Diet and Exercise:** Detail their typical patterns.
- ❑ **Social Support:** Who lives at home? What is their support system like?

6. Perceptual Status:

Hearing: Complaints from examinee or family.

- Work or recreation history for hearing issues. Includes shotgun/handgun sports. Recreational motor sports (car/boat/other racing). Loud environments (music/musician, factory, etc)
- History of medical issues with carry over to hearing
- History of audiologic assessment. Hearing problems (risk factor).
- Wears Hearing aids

Vision: Complaints from examinee or family

- Work or recreational history for vision issues
- Wear glasses/readers
- Last vision check-up
- History of medical issues with carry over to vision
- Color blindness

7. Special Consideration: Collateral Information

- For a high-functioning individual, obtaining collateral information is not just helpful—it is essential. They may lack insight or minimize their deficits. With the patient's permission, speak with a spouse, a trusted family member, or even a long-term executive assistant who can provide objective observations about changes in the patient's functioning and other relevant information (e.g., performance reviews).
- By systematically gathering this information, you will be well-positioned to formulate a differential diagnosis, guide your selection of neuropsychological tests, and ultimately provide a more accurate and helpful assessment for your patient.

III. Specific Assessment Tools and Approaches

- This section highlights specific tests and methodologies that are particularly well-suited for this population due to their higher ceiling or sensitivity to subtle dysfunction.
- **Delis-Kaplan Executive Function System (D-KEFS):** The D-KEFS provides a "process-based" look at executive functions. For a high-level executive, a simple pass/fail score on a task like the Trail Making Test may be uninformative. The D-KEFS allows for the analysis of error types, strategy use, and processing speed, revealing subtle inefficiencies that a total score might miss.
- **California Verbal Learning Test – 3rd Edition (CVLT-3):** This list-learning test is more challenging than many of its predecessors and provides a wealth of data beyond simple recall scores. Analyzing learning curves, recall consistency, error types (e.g., intrusions vs. perseverations), and recognition memory can reveal subtle memory-encoding or retrieval deficits.

- **Advanced Tests of Executive Function:** Consider measures that are less commonly used in general clinical practice but have higher ceilings, such as the **Hayling and Brixton Tests** (for response initiation and suppression, and rule attainment). The Brixton test, or **Brixton Spatial Anticipation Test**, measures the ability to detect and follow rules in a visuospatial task, which is a key aspect of **executive functioning**. The test involves following the patterns of a moving circle on a series of pages, where the position of the circle adheres to different rules that change without warning. It assesses a person's capacity for cognitive flexibility and abstraction in identifying and applying these shifting rules. Also relevant is the **Behavioral Assessment of the Dysexecutive Syndrome (BADS)**, which includes tasks designed to mimic real-world problem-solving.
- **Performance and Symptom Validity Tests (PVTs & SVTs):** It is standard practice to embed PVTs in any comprehensive assessment. For high-functioning individuals, choose more subtle or challenging PVTs, as they may be more likely to detect sophisticated attempts at feigning. Examples include the **Medical Symptom Validity Test (MSVT)** or the **Word Memory Test (WMT)**. Measures of symptom validity also play a critical role, and examples include the **Minnesota Multiphasic Inventory (MMPI-3)** or the **Personality Assessment Inventory (PAI)** which include scales assessing positive impression management.

Summary of Best Practices

- When assessing high-level executives with potential subtle cognitive impairments, the following approach is recommended:
 - ❑ **Comprehensive Clinical Interview:** A meticulous history is paramount. Inquire about specific, real-world examples of cognitive lapses, changes from their own baseline, and the functional impact in their high-demand environment.
 - ❑ **Informant Interview:** Obtain collateral information from a spouse, trusted colleague, or assistant. High-functioning individuals may lack insight or minimize their deficits.

- **Establish a Premorbid Baseline:** Use demographic data, educational/occupational history, and tests like the Test of Premorbid Functioning (TOPF) to estimate their expected level of performance. The key is identifying a decline from *their* baseline, not just a fall below the population average.
- **Hypothesis-Driven Test Selection:** Do not use a fixed battery. Select tests specifically to challenge the domains implicated in the referral question, ensuring they have adequate ceilings to avoid underestimating ability.
- **Focus on Process and Qualitative Data:** Analyze *how* the individual solves a problem, not just the final score. Note hesitation, self-correction, inefficient strategies, or mild disorganization.

- **Consider Serial Assessment:** If results are ambiguous, recommend a re-evaluation in 6-18 months to establish a trajectory of performance.
- **Consider referrals for additional assessments** (e.g., cardiac, perceptual, metabolic, neurologic, endocrine)

Feedback - Tying it Together

- Designing and implementing a neuropsychological assessment protocol for a high-functioning individual requires a sophisticated approach that goes beyond standard procedures.
- The core challenge is detecting subtle declines from a very high premorbid baseline, where standard scores may still fall within the "average" or even "high average" range, yet represent a significant and functionally impairing change for the individual.
- The Razor Blade vs Kitchen Knife Analogy (Peck).
- After the assessment, the feedback protocol is the next critical stage in the process.

- *Here is a comprehensive description of the protocol, with a foundational emphasis on the critical issues of confidentiality, respect, and dignity.*
- **Foundational Principles: Confidentiality, Respect, and Dignity**
 - Working with a high-functioning executive, judge, or similar professional demands an exceptional level of discretion and professionalism. These individuals are accustomed to being in control, are often protective of their reputation, and may feel vulnerable undergoing this type of evaluation.

1. Upholding Confidentiality:

- **Explicit and Early Discussion:** Begin the very first interaction by explicitly discussing confidentiality. Clearly define who has requested the evaluation (the individual, their employer, a legal entity) and who will receive the results.
- **Release of Information (ROI):** Use a "minimum necessary" principle. The ROI should be specific, time-limited, and clearly state what information can be shared and with whom. For example, an employer may only need to know about fitness for duty and recommended accommodations, not the specific test scores or diagnosis.

- **Secure Data Handling:** All records, from initial notes to the final report, must be stored securely in compliance with HIPAA and other relevant regulations. Digital records should be behind a firewall, encrypted, and physical records must be kept in locked, secure locations. Use protocols/encrypted platforms and approaches such as 2-Factor Authorization.
- **Communication:** All PHI communication (email, phone calls) must be conducted through secure channels. Avoid discussing PHI in non-secure environments (public Wi-Fi, unencrypted text or non-trusted devices). Telehealth should be via secure channels.
- Retain & contract with **IT/security** to maintain (continued updates) high level protection and vendor compliance. Consider air gapped computer use.

AI Use and HIPAA Security

- **Critical Risks of Using Public AI (e.g., ChatGPT) with Protected Health Information (PHI)**
 - ❑ Public AI such as ChatGPT vendors do NOT sign a Business Associate Agreement (BAA) with healthcare organizations.
 - ❑ **Implication:** Under HIPAA, sharing PHI with any third-party vendor without a BAA is a direct violation. This is not a gray area; it is a clear breach of federal law.
 - ❑ **Consequences:** Can result in severe civil and criminal penalties, mandatory breach notifications to patients and HHS, and corrective action plans.
 - ❑ **Bastiongpt:** Designed to be a **Business Associate** for your healthcare organization, operating under a strict BAA and architected to meet and exceed the requirements of the HIPAA Security Rule.

2. Demonstrating Respect and Preserving Dignity:

- ❑ **Frame the Assessment as a Consultation:** Position yourself as a specialist consultant collaborating with them to understand a complex problem. Avoid language that frames it as a pass/fail test of their competence. Use phrases like, "We're working together to get a clear picture of your cognitive strengths and any areas that have become more challenging."
- ❑ **Acknowledge Their Expertise:** Recognize their high level of achievement. This validates their identity and can reduce defensiveness. "I understand your role requires exceptional analytical skills, and you've noticed a change in that area. Let's try to quantify that."

- **Demystify the Process:** Explain the rationale for the assessment and for the use of different types of measures (try to avoid the use of the term “Test”. High-functioning individuals are often analytical and will be more comfortable and cooperative if they understand the "why" behind the process. Discuss Subjective vs Objective data.
- **Collaborative Goal Setting:** Ask them what they hope to get out of the evaluation. What are their specific questions? Does their family have questions? This makes them an active partner in the process.

Neuropsychological Assessment Protocol for a High-Functioning Executive

This protocol is designed to be comprehensive and sensitive enough to detect subtle changes.

■ **Phase 1: Intake and Clinical Interview (The Foundation)**

- This is arguably the most important phase.

■ **Extended Clinical Interview (90-120 minutes):**

- Review the detailed medical, social, and occupational history as previously discussed.
- Deeply probe the nature of the cognitive complaints with real-world examples from their high-demand job. "Walk me through a recent project where you felt you weren't performing at your usual level. What specifically was difficult?"
- Establish a detailed timeline of their career to understand their peak level of functioning.

- **Collateral Interview:** With written consent, interview a spouse, a trusted long-term colleague, or an executive assistant. They can provide invaluable objective observations of changes in efficiency, decision-making, social pragmatics, or memory that the patient may minimize or lack insight into.

Phase 2: Test Selection and Administration (The Data Collection)

- The key is to select tests with high ceilings and norms that extend into the superior ranges, as well as other broadly normed measures. Consider the advantages and disadvantages of (a) age only normed versus (b) demographic normed measures. The focus is on both the quantitative score and the qualitative process; and for objective and subjective data collection.

1. Estimation of Premorbid Functioning:

- ❑ **Rationale:** To establish a cognitive baseline to which current scores can be compared.
- ❑ **Tests:** Test of Premorbid Functioning (TOPF), Wide Range Achievement Test 5 (WRAT4 or 5) Reading subtest, demographic-based prediction formulas.

2. Intellectual Functioning:

- ❑ **Rationale:** To assess broad cognitive abilities and identify discrepancies between different domains.
- ❑ **Tests:** Wechsler Adult Intelligence Scale-IV (WAIS-IV). Only use WAIS-5 if the subtest choices are appropriate for the case as the ACS normative data has not been released (planned 2026).
- ❑ **Focus on:** The discrepancy between the Vocabulary/Information subtests (crystallized knowledge, more resistant to decline) and Processing Speed/Working Memory/Matrix Reasoning subtests (fluid intelligence, more sensitive to neurological change).

3. Attention and Processing Speed:

- **Rationale:** These are often the first domains affected. Slowed processing can be misinterpreted by the patient as a memory problem.
- **Tests:**
 - ❑ WAIS-IV Processing Speed Index (Symbol Search, Coding).
 - ❑ Trail Making Test - Part A.
 - ❑ Conners' Continuous Performance Test 3 (CPT-3) or Integrated Visual and Auditory CPT (IVA-2): To assess sustained and selective attention under monotonous conditions.
 - ❑ Paced Auditory Serial Addition Test (PASAT): A highly demanding test of processing speed, sustained attention, and working memory.

4. Executive Functioning (Most Critical Domain):

- ❑ **Rationale:** This domain governs planning, organization, problem-solving, and self-regulation—the core skills of an executive.
- ❑ **Tests:**
- ❑ **Verbal & Nonverbal Fluency:** D-KEFS Verbal Fluency (both letter and category, plus category switching). D-KEFS Design Fluency. Look for reduced output, rule-breaking, and perseveration.
- ❑ **Set-Shifting/Cognitive Flexibility:** Trail Making Test - Part B. Wisconsin Card Sorting Test (WCST).
- ❑ **Problem-Solving & Planning:** D-KEFS Word Context, Tower Test or Tower of London. NAB Executive Functioning Battery.

■ Tests - Continued:

Inhibition & Self-Regulation: Stroop Color and Word Test.

Abstract Reasoning: WAIS-IV Similarities, Matrix Reasoning.
D-KEFS Proverbs Test.

Qualitative Analysis: Observe *how* they approach complex tasks. Are they systematic? Do they self-correct? Do they get bogged down in irrelevant details?

5. Learning and Memory (Verbal and Visual):

- **Rationale:** To differentiate between encoding, storage, and retrieval problems.
- **Tests:**
 - ❑ **Verbal Memory:** California Verbal Learning Test - 3rd Edition (CVLT-3) or Rey Auditory Verbal Learning Test (RAVLT). These provide data on learning curves, recall vs. recognition, and susceptibility to interference.
 - ❑ **Visual Memory:** Rey-Osterrieth Complex Figure Test (RCFT) - Delay trial or Brief Visuospatial Memory Test-Revised (BVM-T-R). WMS-IV Visual Memory.
 - ❑ **Narrative Memory:** Wechsler Memory Scale-IV (WMS-IV) - Logical Memory subtest. This is more ecologically valid for remembering meeting details.

6. Language Functions:

- ❑ **Rationale:** To detect subtle anomia (word-finding difficulty) which is a common early complaint.
- ❑ **Tests:** Boston Naming Test (BNT), D-KEFS Verbal Fluency, NAB Naming and Fluency. Older tests such as the Benten Sentence Repetition Test can be helpful for measuring the length of a statement which can be repeated/recalled and for anomic/paraphasic responses

7. Visuospatial/Perceptual Functions:

- **Rationale:** To assess non-verbal reasoning and constructional abilities.
- **Tests:** RCFT (Copy trial), WAIS-IV Block Design. Older tests such as the Raven's Matrices (Standard, Advanced) can be useful. Portions of the NAB Battery also may be appropriate.

8. Mood and Personality Assessment:

- **Rationale:** Clarify/rule out psychiatric conditions (e.g., depression, anxiety, burnout) as the primary cause of cognitive symptoms.
- **Tests:**
 - ❑ **Self-Report Screeners:** Beck Depression Inventory-II (BDI-II), Beck Anxiety Inventory (BAI), Hopkins Symptom Checklist-Devised, PHQ-9 etc.
 - ❑ **Objective/Comprehensive Measures:** Minnesota Multiphasic Personality Inventory-3 (MMPI-3) or Personality Assessment Inventory (PAI). These can identify subtle psychological distress or somatic preoccupation that the patient may not report directly.

Phase 3: Interpretation and Synthesis

- **Intra-individual Comparison:** This is the most important interpretive method. The primary comparison is not to the general population, but to the patient's own estimated premorbid ability. A drop from the 98th percentile to the 75th is a clinically significant decline, even though the score is "High Average" in the context of normal variability.
- **Pattern Analysis:** Look for patterns of strengths and weaknesses that are consistent with a particular neurological or psychiatric condition (e.g., prominent executive dysfunction with preserved memory may suggest frontotemporal changes or vascular disease).
- **Qualitative Data:** Integrate behavioral observations from the testing session. Did they show unusual frustration – or the lack of emotional response to the process? Were their problem-solving approaches efficient or disorganized?

■ Phase 4: The Report

- Write a clear, concise, and integrated report.
- Begin with an Executive Summary that directly answers the referral question.
- The recommendations section is paramount. It must be practical, specific, and tailored to their high-demand environment. Examples include:
 - **Cognitive Strategies:** Using specific planning software, implementing structured morning routines, using "brain dump" techniques before complex tasks.
 - **Workplace Accommodations:** Delegating certain tasks, scheduling protected time for deep work, using voice-to-text software.
 - **Lifestyle Modifications:** Recommendations for sleep hygiene, exercise, and stress management.
 - **Referrals:** To neurology, psychiatry, psychotherapy, sleep, audiology or executive coaching etc., as appropriate.

- By following this comprehensive and respectful protocol, you can provide a highly valuable service that not only yields an accurate diagnosis but also empowers the individual with a clear understanding and an actionable plan forward.

Confidentiality – Unauthorized Disclosure

- These examinee's are supremely concerned about their findings being kept from the public. They may be in positions where their health records (e.g. the insurance) may be hacked and disclosed in the NY Times; where even seeing a health care provider raises speculation regarding their ability/capacity to perform in their position as a physician, politician, financial decision maker, judge, hedge fund manager etc.
- In this regard, they resist putting information regarding their cognitive or mental health status in an electronic health care record and in an insurance company computer.

Estimated Cost for a Private Pay Executive Neuropsychological Evaluation

- It is important to state upfront that this type of comprehensive, nuanced evaluation for subtle deficits in a high-functioning individual is almost always a **private pay (out-of-pocket) service**. Insurance carriers typically do not reimburse (a) due to medical necessity issues, (b) let alone will they cover the extended assessment time required, which is typically well above and beyond the maximum time limits set by the insurance plan. (c) Furthermore, insurance typically will not pay for an exam when the referral question is about a decline from a superior (baseline) to an average or above average level of function and not about a clinical diagnosis such as dementia (again the Medical Necessity definition is not met). In this regard, a normal range set of normative scores may still represent failure to be able to perform the expected occupational demands.

- The total cost for a comprehensive neuropsychological evaluation for a high-level executive typically ranges from **\$5,000 to \$15,000 or higher**.
- This wide range is influenced by several key factors:
- **Geographic Location:** Fees in major metropolitan areas (e.g., New York, DC-Northern VA, San Francisco, Chicago) will be at the higher end of this range compared to other parts of the country.
- **Complexity of the Case:** The need for a more extensive review of medical, occupational, or legal records, and multiple collateral interviews will increase the total professional time and thus the cost.

- **Forensic or Occupational Context:** If the evaluation is for "fitness for duty," disability determination, or has legal implications such as a third-party suit or complex criminal matter, the cost is often significantly higher (15,000 - 25,000+) due to the increased scrutiny from adversarial parties, increased time issues with the extremely detailed nature of the required report and potential for testimony similar to medical-legal work.
- **What the Fee Typically Includes:** This is not just for the face-to-face time. The fee is an all-inclusive package that covers the neuropsychologist's total professional time dedicated to the case, which is substantial. This includes all the phases outlined in the time breakdown below.

Estimated Professional Time Breakdown

Estimated Professional Time Breakdown

- The total professional time invested by the neuropsychologist for such a case typically ranges from **18 to 35 hours**. The process is often spread out over two to four weeks from the initial consultation to the final feedback session.

Here is a phase-by-phase breakdown:

Phase of Evaluation	Estimated Time (Hours)	Description
1. Intake & Preparation	3 - 6 hours	Includes the initial phone consultation, a thorough review of any provided records (medical, occupational), and a detailed clinical interview with the patient (typically 90-120 minutes).
2. Collateral Interview(s)	1 - 2 hours	One or two 45-60 minute interviews (with patient's consent) with a spouse, partner, or trusted colleague to gather objective data on the patient's functioning.

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3. Face-to-Face Assessment	5 - 8 hours	This is the direct test administration time with the patient. For a comprehensive battery sensitive to subtle deficits, this is often split into two sessions to avoid fatigue effects.
4. Scoring and Data Analysis	4 - 8 hours	This is the meticulous, non-patient-facing work of scoring each test, converting raw scores to scaled scores, comparing them to appropriate normative data, and creating data tables.
5. Interpretation & Report Prep	4 - 8 hours	This is the core intellectual work. The neuropsychologist integrates all data streams (interview, collateral, records, test scores, behavioral observations) to form a cohesive diagnostic formulation and write a detailed, nuanced, and highly customized report.
6. Feedback Session	1.5 - 2 hours	A dedicated session with the patient (and spouse/partner, if desired) to review the findings, answer questions, and discuss the detailed recommendations in a collaborative manner.
7. Ancillary Tasks	1 - 2 hours	Includes communication with other providers (with consent), follow-up calls, and other administrative aspects of the case.
TOTAL PROFESSIONAL TIME	18 - 35 hours	This is the total time billed for the evaluation.

Summary and Key Takeaways

- **It's a Significant Investment:** You are not just paying for the 5-8 hours of testing. You are retaining a specialist for 20-30+ hours of dedicated, highly skilled professional work. This is a crucial point to communicate to the client to justify the cost.
- **Time is the Commodity:** The cost is directly proportional to the clinician's time. A more complex case requires more time for record review, interpretation, and report writing, which drives the cost toward the higher end of the range.
- **Value Proposition:** The value for the executive is not just a diagnosis, but a clear, data-driven understanding of their cognitive profile and, most importantly, a highly specific and actionable roadmap for intervention, accommodation, and future planning. This can be invaluable for their career and personal life. There can be immense impact(s) upon society from a “missed” diagnosis.
- When discussing this with a potential client, framing it as a "comprehensive cognitive health consultation" is more accurate and palatable than simply a "test."

Case example: 1

- Anesthesia provider: Mid 30's. Worked in a surgery center where shifts often last 10+ hours with little breaks.
- Mid 30's.
- Prior medical history of headaches and anxiety.
- COVID-19 leading to COVID-19 Long Haul with Neurologic Sequela. Persistent symptom include increased headaches, sleep problems, subjective cognitive complaints, fatigue, and reduced cardiac functioning.
- Assessment results were consistent with a Mild Neurocognitive Disorder in the context of valid findings
 - Reduced attention in particular with fatigue which increased with mental and physical activity.
 - Implications:

Disability – Key Issues

Even if the person can work for the 1st 1/2 a shift with no observable deficits – deficits show in the 2nd half of the shift.

- ❑ Disability wording of the patient's professional disability contract effectively states that the person is disabled if they cannot perform “their job, as opposed to “any job”.
- ❑ Risk Management decision by the hospital facility if they employed a person with these medical / neuropsychological deficits.

Case example: 2

- Federal agent: Worked high risk cases.
- No prior medical or psychological issues.
- Sustained a severe TBI in the line of duty.
- Referred by Worker's Compensation with supervisor involvement.
- Neuropsychological assessment showed reduced executive functions (visual > verbal), processing speed, attention, and rote verbal memory.
- Implications:

Case example 3

- Financial “Guru” – Chairman of the Board – Major Hedge Fund – Started the Business
- Oversees the Fund’s “Big Picture Planning”
- Provides leadership to the BOD, ensuring effectiveness and proper governance and adherence to the Fund’s investment policy.
- Strategic planning and guidance
- Focus on long term strategy and regulatory adherence rather than daily operations

Case 3 details

- Male, early 60's. Masters in Economics, MBA both from Ivy League level schools.
- Complaint from several BOD members where they have noticed an ~ 6 month change from previous level of cognitive acuity.
- Culmination was a meeting where he was monitoring a discussion where a common financial term was used and he asked what was the meaning of the term.
- Initial medical work-up was negative.
- Referred for Executive Neuropsychological Consultation

Case 4 - Judicial Assessments

- Active Federal Judges as of early 2025
 - Age
 - Average age for a sitting judge was 69.
 - Average age for new appointee was 51 (as of 2020).
 - Gender (as of 2024)
 - Male 67%
 - Female 33%

Case 4 - Judicial Assessments

■ Context for Age And Tenure

□ Lifetime Appointments

- Federal judges have lifetime appointments and can serve as long as they are able. There is no mandatory retirement age.

□ Senior Status Eligibility

- Judges are able to take senior status at age 65 if they have served for at least 15 years. This allows them to receive their salary while handling a reduced caseload, and their active seat can be filled by a new appointee.

□ “Gerontocracy Problem”

- Some judges refuse to retire even when eligible. This is where administrative procedures may become necessary



Edward Peck,

Your registration for Judicial Conference of
the Fourth Circuit is confirmed!

At least 86 of the nation's more than 1,400 active and senior federal judges were at least 90 years old by the end of 2023, according to a *Newsweek* analysis of data from the Federal Judiciary Center. That is a sharp rise from 2010, when only 11 judges were over 90.

In most instances when a judge starts to signs of dementia, the chief judge and colleagues—with the aid of friends and family—"gently talk them into voluntary retirement, with the threat of formal disability proceedings serving as a kind of shotgun behind the door."Sometimes!

- In situations where a federal judge is accused of having dementia or another cognitive impairment, there are usually established procedures for addressing the issue:
- **Judicial Conduct Review:** Complaints about a judge's ability to perform their duties due to health concerns are generally reviewed by a judicial conduct committee. This committee assesses the situation and determines if further action is needed.
- **Medical Evaluation:** The judge may be asked to undergo a medical evaluation to determine their cognitive abilities. This evaluation would typically be conducted by a qualified healthcare professional who specializes in cognitive disorders.
- **Confidentiality and Privacy:** Such proceedings are often confidential to protect the privacy of the judge involved. The health information of the judge is considered sensitive and is handled with strict confidentiality.
- **Outcome:** Depending on the findings, the committee might recommend various actions, such as retirement, re-assignment, or continued service with accommodations.
- **Public Interest and Transparency:** While the process is sensitive, there is also a public interest in ensuring that judges are capable of performing their duties. Balancing transparency and privacy is key in these situations.

REUTERS 98-year-old US appeals judge loses bid to revive lawsuit over her suspension. By [Blake Brittain](#) August 29, 2025 6:24 PM EDT Updated August 29, 2025

Note: Neither author has been involved in this legal matter and offer no opinion as to this individual's cognitive fitness.



- Aug 22 (Reuters) - A U.S. appeals court on Friday denied a bid by U.S. Circuit Judge Pauline Newman to reinstate a lawsuit challenging her suspension from serving on the U.S. Court of Appeals for the Federal Circuit, where she had heard cases since 1984.
- A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit rejected Newman's argument that the law governing her suspension was unconstitutional. Newman, at 98 years old, is the oldest federal judge not to have taken the form of semi-retirement known as senior status.
- The Washington-based Federal Circuit handles patent appeals nationwide and frequently rules on high-stakes intellectual property cases involving major companies. Newman, who was appointed by Republican President Ronald Reagan, is a respected figure in patent law...

- Chief Federal Circuit Judge Kimberly Moore said in orders made public in 2023 that Newman had shown signs of serious cognitive and physical impairment. The circuit's Judicial Council, consisting of the court's active judges, suspended Newman later that year after finding that she refused to cooperate with an investigation into her fitness.
- Newman has maintained that she is fit to serve and sued the council over her suspension in Washington, D.C., district court. A judge there dismissed Newman's case last year after finding that courts have "consistently affirmed the judiciary's authority to police itself."
- Newman's attorney told the D.C. Circuit on appeal that her suspension, which can be renewed annually, amounted to an unconstitutional impeachment that only Congress could legally perform.
- A Federal Circuit investigative committee in July recommended extending Newman's suspension for another year.

Here is a list of key references categorized for your convenience.

I. Foundational Textbooks and Chapters

- These texts provide the broad, essential framework for any neuropsychological assessment and contain specific chapters relevant to this population.

- **Lezak, M. D., Howieson, D. B., Bigler, E. D., & Tranel, D. (2012). *Neuropsychological Assessment* (5th ed.). Oxford University Press.**
 - **Why it's essential:** Often called the "bible" of neuropsychology, this book is the definitive reference for test selection, administration, and interpretation. Chapters on executive functions, attention, and memory are foundational. The discussions on qualitative interpretation and the "process approach" are particularly relevant for detecting subtle deficits in high-functioning individuals.
- **Strauss, E., Sherman, E. M. S., & Spreen, O. (2006). *A Compendium of Neuropsychological Tests: Administration, Norms, and Commentary* (3rd ed.). Oxford University Press.**
 - **Why it's essential:** This is the go-to resource for detailed information on virtually every major neuropsychological test. It provides critical commentary on the psychometric properties of tests, including their floors and ceilings, which is crucial when selecting measures for a high-achieving population.

- **Grant, I., & Adams, K. M. (Eds.). (2009). *Neuropsychological Assessment of Neuropsychiatric and Neuromedical Disorders* (3rd ed.). Oxford University Press.**
 - **Why it's essential:** This book excels at differential diagnosis. It contains chapters on assessing the cognitive effects of depression, anxiety, substance use, and various medical conditions that can present with subtle cognitive complaints, all of which are critical rule-outs in an executive population.
- **Larrabee, G. J. (Ed.). (2014). *Forensic Neuropsychology: A Scientific Approach* (2nd ed.). Oxford University Press.**
 - **Why it's essential:** While focused on the forensic context, this book provides rigorous models for detecting non-credible performance and malingering. Chapters on performance validity testing (PVT) and symptom validity testing (SVT) are critical, as secondary gain can be a factor in high-stakes disability or fitness-for-duty evaluations.

- **Boone, K.B. (Ed). (2021) *Assessment of Feigned Cognitive Impairment: A Neuropsychological Perspective* (2nd ed.) Guilford Press.**
 - **Why it's essential:** While it also focuses on forensic assessment issues, it provides the reader with both stand alone validity measures, as well as using embedded validity indicators in many commonly used tests. Chapters focus on visual-spatial, processing speed, memory and language domains, along with personality inventories., as well as base rate information.

□ Feedback

- **Postal, K., Armstrong, K. (2013) *Feedback That Sticks: The Art of Effectively Communicating Neuropsychological Assessment*. Oxford University Press.**
- **Why it's essential:** This book is about how to give outstanding feedback to patients, their family, and other professionals. Effective feedback sessions have the potential to help patients understand their neurocognitive syndromes in the larger context of their real world environments and in a manner that positively alters lives.

II. Key Journal Articles and Conceptual Papers

- These articles address the specific challenges of assessing individuals with high cognitive reserve and subjective or subtle cognitive decline

- **Stern, Y. (2002). What is cognitive reserve? Theory and research application of the reserve concept. *Journal of the International Neuropsychological Society*, 8(3), 448-460.**
 - **Why it's essential:** This is a seminal paper on the theory of cognitive reserve. It explains how education, occupational attainment, and enriched life experiences can mask underlying brain pathology, allowing individuals to perform within normal limits on testing despite significant neuropathology. This is the central challenge when assessing executives.

- **Edmonds, E. C., Delano-Wood, L., Clark, L. R., Jak, A. J., & Bondi, M. W. (2015). Susceptibility of “robust” cognitive measures to subtle cognitive decline in preclinical Alzheimer’s disease. *Journal of the International Neuropsychological Society*, 21(1), 1-12.**
 - **Why it's essential:** This article directly addresses the problem of "ceiling effects." It demonstrates that even tests considered robust can be insensitive to the very earliest cognitive changes in highly intelligent individuals. It highlights the need for more challenging measures and a focus on subtle performance declines from an estimated premorbid baseline.
- **Rabin, L. A., Smart, C. M., & Amariglio, R. E. (2017). Subjective cognitive decline in preclinical Alzheimer's disease. *Annual Review of Clinical Psychology*, 13, 369-396.**
 - **Why it's essential:** This review provides a comprehensive overview of Subjective Cognitive Decline (SCD) as a potential at-risk state for dementia. It discusses assessment strategies, the importance of characterizing the nature of the complaint, and its relationship to objective test performance and AD biomarkers.

- **Duff, K. (2014). The utility of serial neuropsychological assessments in the early identification of dementia. *Psychology Research and Behavior Management*, 7, 135–142.**
 - **Why it's essential:** For this population, a single assessment may be inconclusive. This paper argues for the value of serial assessments to track cognitive trajectories over time. A reliable decline, even within the average range, is a powerful indicator of an active pathological process.

- **Weintraub, S., Besser, L., Dodge, H. H., et al. (2018). The Alzheimer's Disease Centers' Uniform Data Set (UDS): The neuropsychological test battery. *Alzheimer's & Dementia: Diagnosis, Assessment & Disease Monitoring*, 10, 98-111.**
 - **Why it's essential:** This paper describes a well-validated and widely used battery for detecting cognitive change in aging and dementia. While not specifically for executives, it outlines a core set of sensitive measures (e.g., Logical Memory, Trail Making Test B, category fluency) that form the foundation of a comprehensive assessment.



The End

Questions

