

10 things you need to know about Decision-Making Capacity

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Faculty/Presenter Disclosure

- ▶ **Faculty:** Jasneet Parmar, Dept. of FM, U of AB.
- ▶ **Relationships with commercial interests:** None
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Creation of a Customized Tool to Facilitate Confidence and Ease in Decision-Making Assessments Among Family Physicians (\$4917)

Disclosure of Commercial Support

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- ▶ **Potential for conflict(s) of interest:**
 - ▶ No conflicts of interest

Mitigating Potential Bias

- ▶ The content of the presentations were reviewed by a subset of the organizing committee to mitigate any potential bias.

Objectives

- ▶ Understand the definition and guiding principles of decision-making capacity assessment (DMCA)
- ▶ Review current legislation surrounding DMCA
- ▶ Learn about the process of DMCA and use of the Capacity Assessment Worksheets

1. What is Capacity?

- ▶ The ability to understand the information that is relevant to making a personal decision...
 - ▶ and
- ▶ ...the ability to appreciate the reasonably foreseeable consequences of the decision.

2. Capacity Assessment

- ▶ Capacity assessment is a process for determining whether there is sufficient evidence to declare a person incapable of managing their affairs
- ▶ The emphasis is on the quality of the decision-making process, not the actual course of action in which a person engages or the decision made

3. Guiding Principles

- ▶ Taking away a person's right to make their own decisions is a very serious step and should be a last resort with evidence that it is absolutely necessary.
- All adults are presumed capable of making their own decisions until the contrary is demonstrated; the onus is on the assessor to demonstrate lack of capacity, not on the patient to demonstrate capacity.
- The ability to communicate verbally is not a determination of capacity, the adult is entitled to communicate by any means that enables them to be understood.
- Focus is on the autonomy of the adult with a less intrusive and less restrictive approach

4. Relevant Legislative Acts

▶ Personal Directives Act

- Allows adult Albertans to create a Personal Directive to name people (agent) to make personal decisions and describes areas in which they want decisions made for them

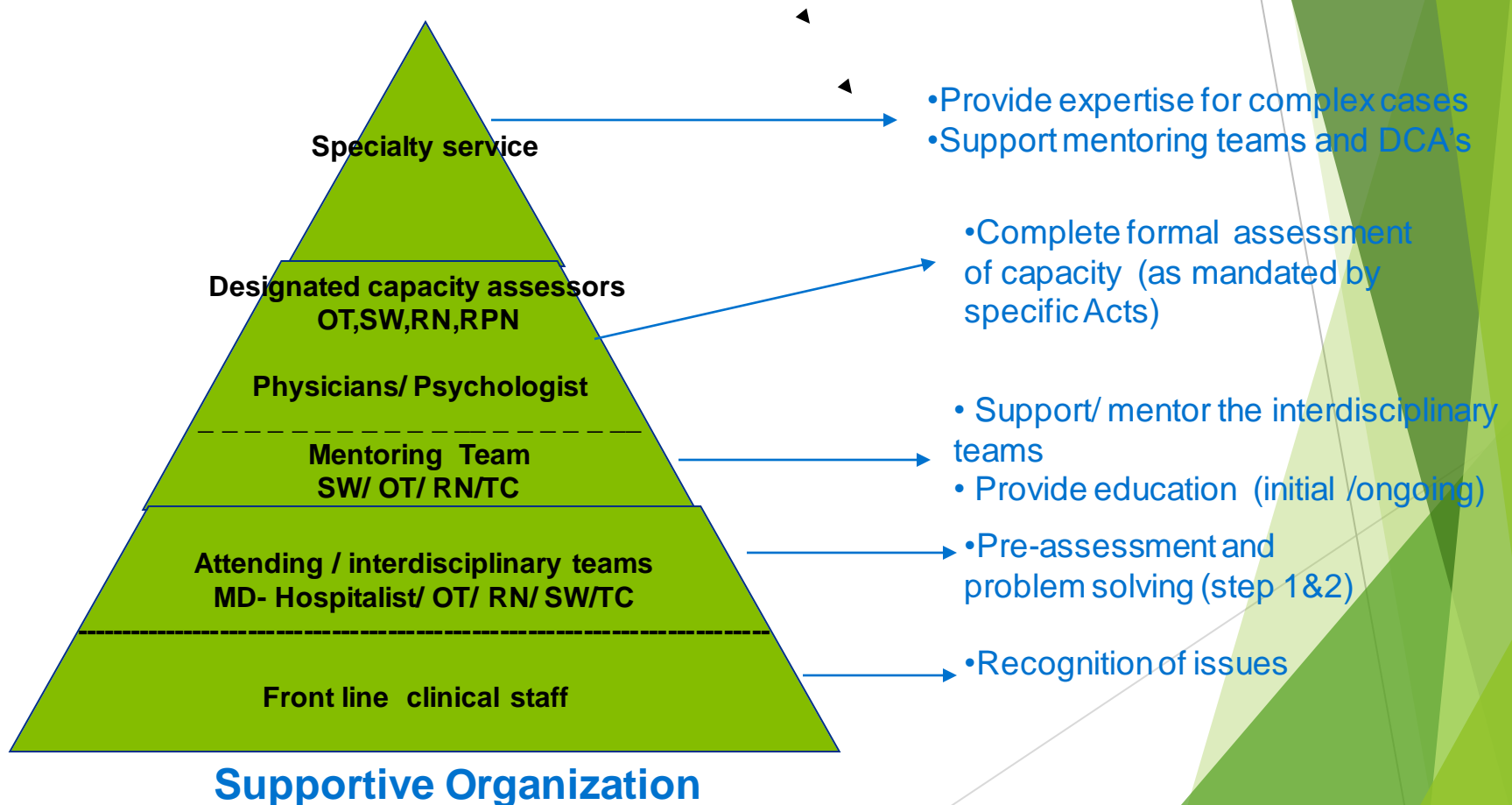
▶ Powers of Attorney Act

- Allows adult Albertans to create an Enduring Power of Attorney to name people (attorney) to make decisions in financial matters for them

▶ Adult Guardianship and Trusteeship Act

- Continuum of Decision-making
- Legal process for granting powers of surrogate decision making

5. Who's involved in the Assessment of Decision Making Capacity?



6. Decision-Making Capacity Process

Screening:

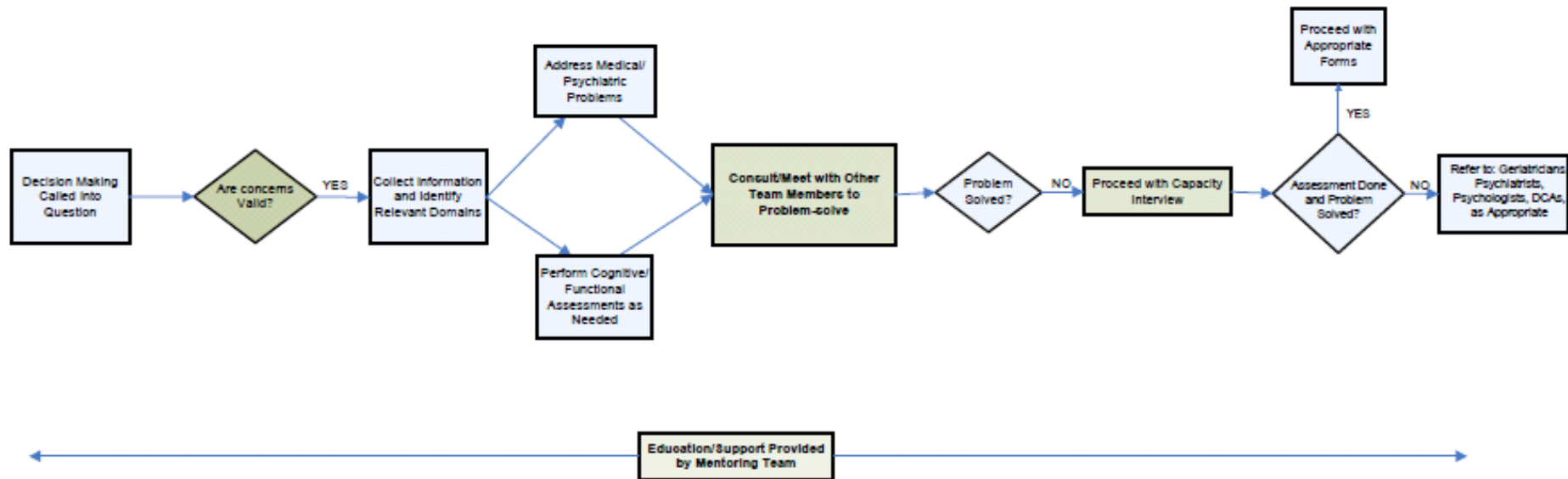
Identify Triggers for Questioning Capacity, Domains and Risks

Problem Solving:

Use Team Approach - Cognitive/Functional Tests, Options to Reduce Risk

Capacity Assessment:

Proceed when Risks not resolved by Less Intrusive or Restrictive Means



7. Valid Reasons for Assessment

- ▶ A capacity assessment may be necessary if the reason for assessment meets the following criteria:
- ▶ An event or circumstance which potentially places a patient, or others, at risk that
- ▶ **seems to be caused by impaired decision-making** which
- ▶ Necessitates investigation, problem-solving (and possibly action) on the part of a health care professional

Have alternate causes been ruled out?

8. Identifying Domains

Area of Decision-Making Authority

Health care	Participation in social activities
Accommodation	Participation in educational activities
With whom to live & associate	Participation in employment activities
Legal matters	Financial and Estate

9. How to Proceed?

- Treat acute medical issues, especially those affecting cognition
- Involve the interdisciplinary team for functional assessments; initiate the Capacity Assessment Process Worksheet
- The worksheet is meant to be an interdisciplinary tool; engage all relevant team members in completing it.
- Thoroughly identify risks and investigate risk reduction measures
- Focus on problem-solving the patient's issues without resorting to capacity assessment

9.A Word on Problem Solving...

- ▶ Be creative !!
- ▶ Involve patients and families in problem-solving
- ▶ Seek perspectives from other team members
- ▶ Consider formal resources
- ▶ Mobilize informal resources
- ▶ Issue may be resolved by problem solving without formal capacity assessment

10. Reasons to Proceed to Formal Capacity Interview: Datagroup # 09948

- ▶ No adequate solutions from problem-solving
- ▶ Risk to patient / others too high
- ▶ Other, less intrusive methods, have failed
- ▶ Appointment of legal decision maker may solve the problem
- ▶ Problem persists or becomes worse
- ▶ Remember: a determination of incapacity may not address the initial triggers or concerns identified

What is Capacity?

It's all about making decisions!

Having capacity means you can understand information important for making a decision and can appreciate the reasonable consequences of making or not making that decision.

When making a decision, can an adult:

- Take in key information
- Think about the pros and cons, and
- make a decision, based on his/her values.

For additional information visit the Office of the Public Guardian and Trustee

Website:

<http://www.humanservices.alberta.ca/guardianship-trusteeship.html>

On the Legal Acts:

<http://www.humanservices.alberta.ca/guardianship-trusteeship/legislation.html>

To Access Forms:

<http://www.humanservices.alberta.ca/guardianship-trusteeship/personal-matters-forms.html>

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Capacity Assessment

Understanding Decision-making Capacity



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