

Decision Making Capacity Determination Flowchart

This flowchart applies to all patients involved in the informed consent process

KEY POINTS ABOUT DMC:

- DMC is a clinical term referring to an individual's ability to comprehend necessary information to make an informed decision.
- Assessing a patient's DMC is the role of all treating providers.
- DMC is decision specific; individuals may have capacity in one clinical context but not in another and vice versa.
- DMC can wax and wane at any moment and should be assessed regularly.

Assessing 4 C's of DMC

A person who embodies the following elements of DMC shall be afforded the right to self-determination.

CONTEXT – The ability to **understand** the problem along with its possible options- including the risks and benefits of the options (including no treatment).

Can the patient:

- Tell you what is wrong with their health right now.*
- Tell you what the doctors have told them about their treatment options.*
- What could go wrong? What could go right?*

CONSISTENCY – The ability to **appreciate** the problem and its consequences as it pertains to one's own values and goals.

Can the patient:

- Tell you why the doctor has recommended [proposed treatment].*
- How they believe [proposed treatment] will help them?*
- What they believe will happen if their problem does not get treated?*

CONSEQUENCES – The ability to **reason** about their situation in a manner that is supported by facts and the patient's own values and goals.

Can the patient:

- What they are thinking about as they considered their decision?*
- What factors are most important to them in deciding about treatment?*
- How they are balancing the pluses and minuses of the treatment options?*

CHOICE – The is the ability to make a clear **choice** for the decision under consideration. Influencing factors include emotional awareness and familial influences.

Can the patient:

- Have they decided what medical option is best for them right now?*
- What other options they have considered?*
- Why they choose [treatment A] over [treatment B]?*

If NO > Patient currently does not encompass all 4 C's of capacity. Consult with the person authorized to speak on behalf of the patient.

If YES > Respect the patient's informed choice.

Clarifying Decision Making Capacity Myths

MYTH

Only psychiatrists and psychologists should assess decision-making capacity.

There's no need to assess DMC unless a patient makes an unusual decision or refuses recommended care.

Patients with a diagnosis of dementia, mental illness, or other cognitive impairment lack DMC.

DMC is an "all or nothing" determination

Once a persons is determined to lack DMC, there is no need to reassess it.

FACT

Assessing DMC is the responsibility of any provider treating the patient.

A patient who consents may lack DMC, therefore, it is essential for DMC to be assessed to ensure an informed decision is made.

While some illnesses may cause cognitive impairment, DMC refers to the process of decision making; not a disease process.

Decisions carry a variety of risks, benefits, and complexities, and patients may exhibit sufficient capacity in one clinical context but not in others.

DMC is fluid and affected by many factors such as sleep, state of wellness or illness, medications, environment, etc..