

Can the Patient Decide? Evaluating Patient Capacity in Practice

TABLE 1

Patient Abilities to be Assessed in the Evaluation of Medical Decision-Making Capacity

1. Questions to determine the ability of the patient to understand about treatment and the proposed options for care
 - What is your understanding of your condition?
 - What are the options for your situation?
 - What is your understanding of the benefits of treatment and what are the odds that the treatment will work for you?
 - What are the risks of treatment and what are the odds that you may have a side effect or bad outcome?
 - What is your understanding of what will happen if nothing is done?
2. Questions to determine the ability of the patient to appreciate how that information applies to their own situation:
 - Tell me what you really believe about your medical condition.
 - Why do you think your doctor has recommended (name of specific treatment or test) for you?
 - Do you think it (specific treatment/test) is the best treatment/test for you? Why or why not?
 - What do you think will actually happen to you if you accept this treatment? If you don't accept it?
3. Questions to determine the ability of the patient to reason with that information in a manner that is supported by the facts and the patient's own values
 - What factors/issues are most important to you in deciding about your treatment? What are you thinking about as you consider your decision?
 - How are you balancing the pluses and minuses of the treatments?
 - Do you trust your doctor? Why or why not?
 - What do you think will happen to you now?
4. Questions to determine the ability of the patient to communicate and express a choice clearly:

• You have been given a lot of information about your condition. Have you decided what medical option is best for you right now?

• We have discussed several choices; what do you want to do?

Information from references 1 and 4 through 6.

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