



Capacity is the ability to make and execute decisions, respond to questions, and decide on treatment. A consumer might have the capacity to make some decisions and not others. Clinicians determine consumers' ability to understand and make informed decisions about treatment options, measure cognitive impairment, determine whether and how to limit consumers' independence, and assist the care team in allocating healthcare resources, supervision, and assistance that respect individuals' autonomy.

Competence to consent to treatment relies on four legal standards^{1,2}

1. The ability to understand relevant information
2. The ability to communicate a choice
3. The ability to appreciate the situation and its likely consequences
4. The ability to manipulate information rationally

The consumer grasps and paraphrases what is being communicated

Understand relevant information about treatment and care options

- Have the consumer explain:
 - the nature of their conditions as communicated by the clinician
 - what the treatment involves including medical, support services, resources
 - the risks and benefits of their decision
 - a routine day that includes managing personal care and activities

The consumer indicates a choice

Ability to communicate and clearly express a choice

- Have the consumer explain:
 - what they want to do and clearly indicate a treatment option
 - who is important to them
 - their finances
 - their advance directive, lifestyle, and housing choices

¹Appelbaum P., & Grisso, T. Assessment of patients' competence to consent to treatment. *New England Journal of Medicine*. 2007 Nov 1;357(18):1834-40.

²Oregon Geriatric Education Center. (2014). Capacity Assessment Cards: Medical Decision Making.

The consumer acknowledges and describes their medical condition and how the proposed treatment will affect them

Appreciate the situation including acknowledging the medical condition and effects

- Have the consumer explain:
 - the reasons behind their decision(s)
 - specific concerns described by their providers
 - their medical issues, functional deficits and medications
 - their financial needs

The consumer engages with the information provided and shows a process that led to a decision that is supported by facts and their values

Ability to manipulate and reason with the information based on facts and the consumer's values

- Have the consumer:
 - discuss whether they agree or disagree with the clinicians' concerns
 - compare treatment options
 - provide reasons for decisions about chosen treatments

Formal Assessment Tools

Aid to Capacity Evaluation (ACE) helps clinicians evaluate patients' capacity to make medical decisions.



The American Bar Association (ABA) provides resources and information about legal standards that determine older adults' decision-making capacity.



Hopkins Competency Assessment Test (HCAT) is a brief tool to evaluate patients' competency to give informed consent or advance directives (requires specialist training).

MacArthur Competence Assessment Tool (MacCAT) is used by clinicians to measure the four domains of competence (requires specialist training).