

Best Practice... *in Palliative Care*

EVALUATING DECISION-MAKING CAPACITY

Informed consent allows a patient to have the ability to make decisions for him or herself. The determining factor is decision-making capacity. When a patient is no longer able to make decisions for him or herself, a health care agent must be appointed.

Decision-making capacity (decisional) should not be confused with competency. Competency is a legal determination made by a judge. Decision-making capacity refers to a physician's determination that a patient is able to make medical decisions for his or her own care.

How can you determine if a patient is decisional? The patient must exhibit the ability to do the following:

- Receive information (awake but not necessarily oriented x 4)
- Mentally manipulate, deliberate or evaluate information
- Communicate a preference regarding treatment

How can your patient protect him or herself? Decision-making capacity is associated with the two documents comprising advance directives - a Living Will and a Power of Attorney for Health Care (POAHC). A Living Will states the patient's wishes if the patient has a terminal condition where death is expected or is in a persistent vegetative state. The Living Will does not appoint a health care agent. The POAHC is the document used to appoint a health care agent. The POAHC must be activated in order for the health care agent to be allowed to make decisions for the patient. Activation requires two physicians or a physician and a psychologist to determine that a patient is no longer able to make decisions for him or herself.

Unity's medical director and physician advisors are available to assist with the two-physician signature requirements to appoint health care agents for patients.

For more information, visit our website at www.unityhospice.org

Did you know?

There are several websites that address clinical and program issues related to hospice and palliative care.

In fact, most of the information shared in Best Practices is taken from Fast Facts, a publication found on the EPERC website.

www.eperc.mcw.edu

www.nhpco.org

www.capc.org

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