

How do you know...?

Aging and Adult Care of Central Washington
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Objectives

Distinguish between competency and capacity

Utilize the ACED (Assessment of Capacity for Everyday Decision-making)

Discuss key elements of a quality assessment of need for guardianship

Take away messages

Function more important than diagnosis

Capacity is task-specific and situational

Capacity can be difficult to determine—

Take your time and do it right!

Tools promote quality, support autonomy:

Use them!

Competency v. Capacity

Competency

a legal concept

Capacity

a clinical concept

the ability to “do”
something

Worth doing right!

Determining capacity in older adults with complex impairments can be difficult

Types

Everyday

Capacity to live
alone

Managing
medications

Managing finances

Driving capacity

Consent to treatment

Testamentary

**Conjugal (spousal)
visits**

Research consent

Capacity

Contextual

- Task specific, not global
- Fluctuating
- Undue influence

Situational

- Familiar
- Supports

Context

What decision needs to be made?

What is interfering with decision-making?

Is capacity likely to change?

Issues of undue influence?

Capacity can fluctuate

Lucid and confused days

Fluctuations make it difficult to discern capacity

May result in misleading conclusions

Relevant Aging Issues

Sensory changes

Slower recovery

Increased medication sensitivity

Brain less efficient

Impact of aging or having a disability

Anxious when capacity challenged

Defend independence

May minimize deficits

Assessor obligation

Maximize performance

- Attend to sensory needs
- Attend to person's 'timing'
- Focus on function

Mitigate burdens

- Acknowledge strengths

Monitor personal bias

Function

Functional abilities

- Maintaining personal hygiene
- Maintaining proper diet
- Following medication regimens
- Responding appropriately to health problems
- Performing financial activities

Key aspects of decisional capacity

Understanding

Appreciating

Reasoning

Expressing a choice

Understanding

- Understanding problem
- Understanding alternatives available
- Understanding advantages and disadvantages

Appreciation

- Appreciating personal-specific deficits
- Appreciating potential impact of alternatives

Reasoning

- Comparative and consequential reasoning

Expressing a choice

- The ability to express a single clear choice of how to solve an everyday problem
- Logical consistency of choice



Learning Circle #1

Can a person leave his fortune
to his cats?

(and win, when the will is contested?)

Assessment of Capacity for Everyday Decision-Making (ACED)

- Mild-moderate impairment
- Real world examples
- Structured interview
- Informed refusal

Scenarios

Managing Medications

Managing Finances

Paired Practice



Interpreting the results

- Three options regarding the key ability
 - the person has it (2)
 - the person lacks it (0)
 - it is unclear (1)

Standard Informed Consent Model

- What is being proposed
- What are the benefits
Of doing something
Of doing nothing
- What are the risks
Of doing something
Of doing nothing
- What is the level of understanding
- Is it voluntary

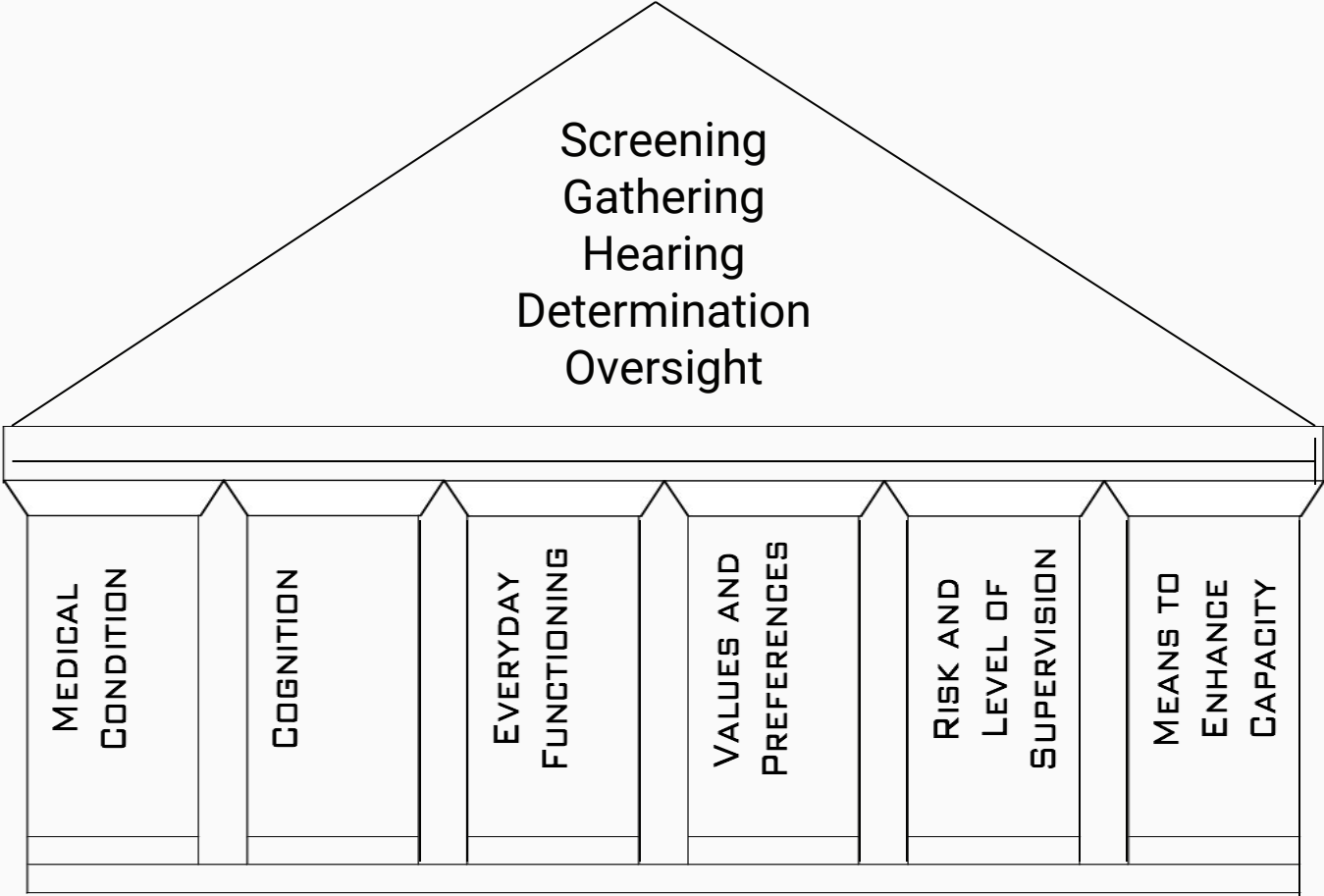


Learning Circle #2

Can a person with dementia
say yes to sex?

Let's take a break

Quality Components of Assessing Need for Guardianship



What is needed

What is medical cause of alleged incapacitation

How long has person been affected

Will it get worse, stay same or improve

Any mitigating factors

If record says cause is “dementia”

- Have you ruled out delirium
- Have you ruled out depression
- Have you ruled out medication effect

What is needed

Basis

- Of qualitative choices
- Of recommendations
- Of conclusions

Enhancing autonomy

Treatment or accommodations that might enhance function, capacity

Person's willingness to accept

What is needed

Re decision-making and thinking

Nature and extent of impairments

Residual strengths

What can person do as well as not do

Self, financial, medical, civic, legal,
home and community life

Will person use adaptive assistance

What is needed

What makes life meaningful or good

What factors are of greatest concern

Are they consistent with values

Common omissions

Health Conditions

Reversibility

Mitigating factors

Med side effects

If you don't know... Ask

Common omissions

Cognitive function

- Level of consciousness
- Fluctuations
- Decision-making ability

Understand

Reason

Appreciate

Choose

Common Omissions

Everyday function

Values and Preferences

Risk of Harm

Treatment and Housing

Attendance

Medication list with doses



Q&A

Take away messages

- Function more important than diagnosis
- Capacity is task-specific and situational
- Capacity can be difficult to determine
- Take your time and do it right!
- Tools promote quality, support autonomy. Use them!

Thanks

For Being Here

For Participating

For a copy of all of today's slides, referenced documents and links to other websites go to **SusanWehryMD.com**

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