Capacity is NOT like a lightbulb, either on or off.

Some decisions are simple, such as whether you are going to start exercising in order to cut down on medications.

Some decisions are more complicated, such as having a major surgery that may help you in some ways but could have serious complications.
Capacity
4 Essential Elements

1. Receive and understand information and choices
2. Memory and reasoning to weigh and balance the benefits, risks and consequences of different choices
3. Communicate the decision
4. Decision is stable over time without evidence of undue influence or coercion

**Capacity is situation-specific**
Consent

- Giving permission for something to happen.
- One must have capacity in order to consent.
- Capacity is often taken for granted.
Consent
3 Essential Elements

1. **Adequate information**
   a. information presented in understandable language/words
   b. reason for proposed action
   c. explanation of action
   d. involved parties
   e. expected benefits
   f. possible risks and complications
   g. alternatives
   h. likely outcomes
Consent
3 Essential Elements

2. **Decisional capacity**
   a. Communication of a stable choice
   b. Relevant information is understood
   c. Appreciation of the situation (personal consequences)
   d. Manipulation of information in a rational manner
Consent
3 Essential Elements

3. **Voluntary**
   a. OK to attempt to persuade
   b. not OK to manipulate (overstate the benefits or understate the risks or burdens)
   c. not OK to deceive (i.e. to lie)
   d. not OK to coerce (e.g. to threaten)
   e. not OK to abandon or threaten abandonment
WHEN DO YOU NEED TO GET A LETTER OF CAPACITY FROM THE DOCTOR?

- Dementia
- Brain injuries
- Mental illness
Decision-making process

1. It will improve my health
2. It is low in calories
3. It might give me gas
4. I like broccoli!
5. I will feel good about it

1. It is pink and has sprinkles
2. It has a lot of calories
3. I might get a tummy ache
4. It will taste sooo yummy!
5. I can work out extra tomorrow