

What is capacity?

Capacity (or decision-making capacity) is the ability of a person to make a considered decision. There are four parts to decision-making capacity:

- Understanding: can the person explain what the information presented to them means?
- Reasoning: can the person compare information and consequences of the differing choices available to them?
- Appreciating: can the person explain how the presented information applies to them?
- Expressing: can the person convey their decision in a reliable manner?

Decision-making capacity is specific to the decision at-hand. Many terminal patients may lack the capacity to decide on voting in an election, whilst at the same time be able to reason and appreciate the implications of choosing one medical treatment over another. In Australia and New Zealand, all adults are presumed to have the capacity to consent to or refuse medical treatments until proven otherwise.

In the practice of conducting VAD assessments however, it is important (although not required by legislation) that capacity is demonstrated. This does not have to be done by a formal consultation with a relevant specialist such as a clinical psychologist or geriatrician, however. Whilst explaining the VAD process to the patient, the clinician should be able to assess whether they **understand** the information presented to them, **reason** the presented information and compare the VAD process with standard palliation, and demonstrate **appreciation** for the information presented. **Expression** of a decision is legally-required by all VAD legislations in Australia and New Zealand.

Attendance to these four components of capacity is recommended to all VAD clinicians.

Understanding can be assessed by the patient's response to the discussion regarding treatment and palliative care options. "Tell me what you've understood about what I spoken to you about today" is a great place to start.

Reasoning can be assessed by the patient's ability to compare and contrast the different approaches to end of life care that they are presented with: "Why does the option of VAD appeal to you over standard end-of-life care?"

Appreciation can be assessed by talking to the patient about their understanding of what VAD will offer them: "How will having access to VAD affect you?"

Expression can be assessed at the end of the consultation, where a patient is then able to make a fully-informed decision: "Given all that we've spoken about today, are you still interested in pursuing VAD?"