

Appendix A: Determining Patient Decision-Making Abilities when Assessing Capacity

Ability	Probing Questions
<p>Ability to understand relevant information This is the ability to comprehend basic information about a problem, its potential solutions, and the risks and benefits associated with those solutions. Factors influencing this ability include the patient’s level of education and intelligence and how the information is presented.</p>	<ul style="list-style-type: none"> ● What is your understanding of your condition? ● What options are available for your situation? ● What do you understand about the benefits of treatment ? ● How will the treatment help you? ● What do you think would happen if you decide not to have treatment?
<p>Ability to appreciate the situation and its consequences This is the ability to recognize how a problem or solution pertains to one’s own situation. Factors influencing this ability include the type of decision to be made and the complexity of the situation.</p>	<ul style="list-style-type: none"> ● What do you believe is wrong with your health now? ● Do you believe that it is possible that this treatment/diagnostic test could benefit you? ● Do you believe that it is possible that this treatment/diagnostic test could harm you? ● We have talked about other possible treatments for you. Can you tell me what they are? ● What do you believe would happen to you if you decided not to have this treatment/diagnostic test?
<p>Ability to reason This is the ability to consider potential solutions to problems by:</p> <ul style="list-style-type: none"> ■ describing how a solution would affect his or her everyday life. ■ demonstrating how one solution is better in comparison to another. ■ demonstrating logical thought processes in determining a choice. 	<ul style="list-style-type: none"> ● Tell me how you reached your decision to have (or not have) this treatment/diagnostic test? ● What things were important to you in making this decision?
<p>Ability to communicate and express a choice This is the ability to render a clear choice for the decision under consideration. This choice should be consistent with: expressed beliefs and values, previous decisions and actions and cultural or religious beliefs. This ability is often preserved despite impairments in the other decision-making abilities.</p>	<ul style="list-style-type: none"> ● You have been given a lot of information about your condition /situation. Have you decided which option is best for you? ● Have you made a decision about which treatment you want to proceed with?

