

Decision Making Capacity

1. What is decision-making capacity?

It is the ability of a person to weigh up various aspects and make informed decisions. It is usually based on the information obtained and in keeping with their desires, values and personal choices.

Decision-making capacity may be in relation to Health, Finance, Lifestyle and accommodation. Capacity to appoint an Enduring Power of Attorney (EPoA) or complete a will may also be considered as part of decision-making capacity.

2. Who has decision-making capacity?

Under the law, every adult is assumed to have decision-making capacity.

3. When does one need their decision-making capacity assessed?

Capacity to make decisions may be assessed, if concerns are raised by anyone. This could be by members of the treating team, family members or anyone else.

If deemed to have capacity, the person can continue to make appropriate decisions for themselves.

4. Who can assess capacity to make decisions?

A medical professional will usually assess decision-making capacity.

Our specialists can assess capacity to make decisions.

Once assessed, the person may either be deemed to have capacity to make decisions, or not have it.

5. Is there a cost involved?

Assessments for decision making capacity may not be covered by Medicare.

Our specialists would normally require one or two appointments, to complete the assessment.

There will be a cost for the assessment and preparation of a report. Please contact our reception staff to obtain a quote.

6. Who can make decisions, if one is deemed not to have decision-making capacity?

If deemed not to have decision-making capacity, this is documented and the EPoA is enacted. A substitute decision maker, usually the appointed EPoA, may make decisions, on the person's behalf.

If an EPoA has not been previously appointed, the medical team may appoint a suitable person to act as Health Attorney, to make health decisions, while in hospital.

If financial or Life style decisions need to be made, an application may be made to the Guardianship tribunal to appoint a substitute decision maker.

It is a legal requirement that the person deemed not to have capacity, is given an opportunity to participate in decision making, to the extent possible.

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