

Competency

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Competency

- patient's ability to make a specific health care decision.

Competency * & Decision making capacity (DMC)**

* LEGAL TERM

** CLINICAL TERM

Medical conditions can impair patient's cognitive and affective abilities.

Enough expert and skill to dx DMC impairments.

- The abilities involved:
- Memory, judgement, attention , insight, language, calculation, communication.
- Children: insight, communication.

DMC impairment may be the first symptom in some disorders.

Common causes of impaired DMC

- Older than 65 yrs old with mod. to severe dementia: 4-10%(4 million)
- Psychiatric disorders: depression, schizophrenia, anxiety.
- Life threatening or chronic disorders
- Neurologic disorders: coma .

The presence of these diseases doesn't certainly suggest the DMC impairment, but raises the physician's suspect

Standards of assessing DMC



1. Ability to communicate a choice

Impaired in extreme anxiety

Communication impairment: focal
neurologic deficits such as aphasia

2. Ability to make a reasonable treatment choice

Impairment in judgement:
dementia,in affect: depression ,
anxiety.

3. Ability to appreciate the decision and it's consequences

Distortion of the perception of reality: delusional disorder, extreme anxiety.

4. Ability to rationally manipulate the information

Illnesses that impair attention, calculation and memory: dementia, delirium, extreme emotional states such as mania, thought disorders such as schizophrenia.

5. Ability to understand the decision



Applying the standards to assess DMC

- Structured assessment
- Clinical interview

Steps in Clinical interview to assess DMC

1. have a clear reason for why an assessment of DMC is necessary.
2. verify that the patient can communicate.
3. correct any medical or situational issues such as anxiety & metabolic abnormalities that may impair DMC.
4. Inform the patient of the purpose of the interview.

5. Assess the patient's affect and cognition with attention to affect, attention, calculation, language, judgement and memory.
6. Structure the assessment as a dialogue with open-ended questions.
7. Ensure that the patient talks at least half of the time.
8. Analyze the patient's answers to questions according to the standards of competency.

9.Inform the patient of the results of the assessment.

10.Document the results.

Choosing a surrogate

- Surrogate
- Proxy: determined as surrogate by the patient in the time of being competent
- Guardian: court appointed surrogate

Guidelines for individuals reasonable to be surrogate

- The absence or presence of a family relationship
- The closeness of that relationship according to law
- The closeness of that relationship in fact

How should a surrogate decide?

- Placing herself in the position of patient
- Collaborative decision making:
 - surrogate ~ physician
- **learn more about patient's values, goals, hopes and fears with reference to the patient's medical condition, it's prognosis and available treatments.

Suggested surrogates

- Family members
- Friends
- By the patient
- Physicians ,nurses,...

Suggested surrogates

- Ethics committee or panel

Family members as surrogate

- ❖ Usually a family member will be the person the patient would have wanted to act as surrogate for him or her
- ❖ The family member will know the patient best and will be most concerned for the patient's welfare.
- ❖ The family is the central social and moral unit assigned responsibilities to care for its dependent members

- ❖ The family is also the main place in which most people pursue intimacy and privacy

- If no family member is available, then the second option will be the patient's close friend .

Physician ,nurses ,health care personnels:
Not approved because of the likely conflict
of interest

- Surrogate decision making committees and panels:
licensed health care professionals (physicians, nurses, psychologists, etc) , licensed attorney, former patients, family or advocates of mentally disabled persons, other persons with expertise or interest in the care of the mentally disabled.

How should surrogate decide?

- Advance directives
- Substituted judgement
- best interest

Advance directive

- Formal advance directive can be in two forms:
 - living will
 - attorney for health care
- the oral form

Negative points

- If general might be not useful
- If so specific may not match the patient's situation.

advance directive + proxy directive = high
significance



Substituted judgement

- Attempt to decide as the patient would have decided, if competent
- Use his or her knowledge of the patient and the patient's aims and values

Best interests

- Decide what most reasonable persons would decide in this circumstances.

children

- legal ages:
- In USA: for crimes 21 yrs old
for medical decision making 18 yrs old.
- In UK: medical decision making 16 yrs old
- In Iran: 18 yrs old

- In the past the parents were the legal surrogates
- But now it is tried to give more power to children to decide

Children

- Infants and pre-school age
- Elementary school
- teenagers

- In some countries all children regardless to age are assumed to have competency and can decide, unless the opposite would be shown.

In Islam, the parents or legal guardian must decide before reaching the legal age

