



Advisory Committee Update

Date: 11/6/24

Subject: Advance Care Planning

Determining Capacity

The ACP Committee has heard questions and concerns about determining capacity for our patients, so I wanted to try to clarify several things.

The intranet page link for Clinical Guidelines has an Advance Care Planning section with information and workflows for determining capacity and invoking the Health Care Proxy. On review, this is fairly methodical and "cookbook" oriented. The reminder is that in order to have capacity for decision making, your patient needs to be able to explain to you what their illness is, what the treatment options are, and the consequences for not complying with treatment. Usually this is not subtle. It is often clear to us clinically, without even asking the specific questions, which patients lack capacity. It is not unusual in early dementia for a patient to be able to explain their illness and decisions, but still have early dementia. We may want family members to be involved in these decisions, but as long as the patient is able to make sense, it's unlikely that we would invoke the health care proxy at that time.

Sometimes the discussion is more nuanced and we're left unsure about our patient's capacity to make decisions. This is when to consult our BH colleagues. We can do a Montreal cognitive assessment or ask the BH folks to do this. It is also an option to refer for a geriatric consult.

Any of these cases can be reviewed by a colleague with more experience or a member of the ACP committee. We're here to help each other.

Some quick reminders if lack of capacity is determined and the proxy is invoked:

- This must be done by a physician. See P&P for workflow.
- There must be a valid health care proxy in the chart to name the agent.
- Complete the HCP invocation form from Print Forms. Give the original to the health care agent and add a copy to the chart.
- You cannot have a patient sign a HCP form the day you invoke it, as you're declaring incapacity.
- Document in the yellow alert that the proxy is invoked and who the agent is.

Please refer any questions to any member of the ACP Committee.

Henry Simkin, Chair of ACP Committee

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