In order to have capacity a patient must demonstrate

**U**nderstanding

**C**hoice

**L**ogic

**A**ppreciation

Table 1. (adapted from Appelbaum, PS 2007)1

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| --- | --- | --- |
| **Criterion** | **Definition** | **Assessment Questions** |
| Understanding | Grasps the fundamental meaning of the information communicated by the provider | Please tell me in your own words what your doctor told you about:1. The problem with your health now
2. The recommended treatment
3. The possible benefits and risks (or discomforts) of the treatment
4. Any alternative treatments and their risks and benefits
5. The risks and benefits of no treatment
 |
| Choice  | Clearly indicates a preferred treatment option | 1. Have you decided whether to follow your doctor’s recommendations for treatment?
2. Can you tell me what the decision is?
3. [If no decision] what is making it hard for you to decide?
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| Logic | Engages in a logical process of manipulating the relevant information | 1. How did you decide to accept or reject the recommended treatment?
2. What makes [chosen option] better than [alternative option]
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| Appreciation  | Acknowledges medical condition and likely consequences of treatment options | 1. What do you believe is wrong with your health now?
2. Do you believe that you need some kind of treatment?
3. What is treatment likely to do for you?
4. What makes you believe that it will have that effect?
5. What do you believe will happen if you are not treated?
6. Why do you think your doctor has recommended this treatment?
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1. Appelbaum, P.S., 2007. Assessment of patients' competence to consent to treatment. *New England Journal of Medicine*, *357*(18), pp.1834-1840.