

Guardian or No Guardian: A Clinician's Perspective on Capacity

Kyle S. Page, PhD, ABPP

Geriatric Psychologist

Edward Hines, Jr. Veterans Affairs Hospital

Disclaimer

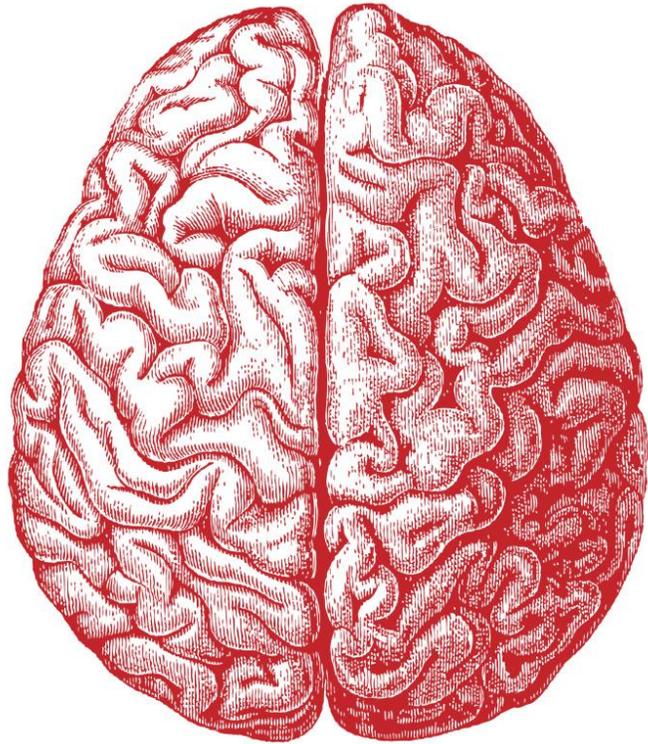
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Outline

- I. Brain Changes
- II. A Clinician's Evaluation
- III. Increasing Support



When the Brain Changes

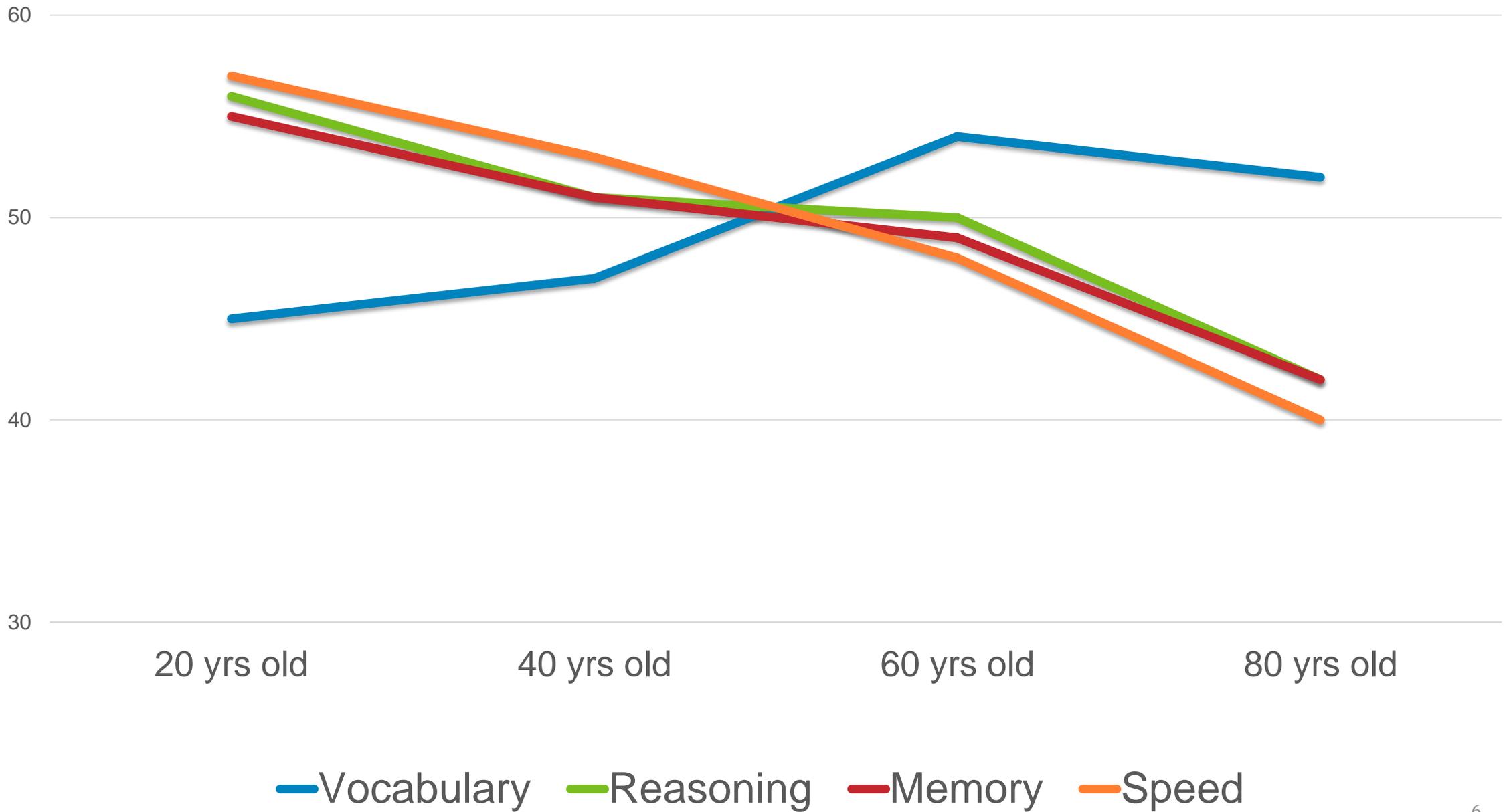


What did your brain do
to get you here today?

Normal Brain Aging

- In practice, we can capture different “domains” or brain abilities with testing, such as:
 - Language skills
 - Reasoning abilities
 - Attention / Concentration
 - Memory
 - Thinking speed





Based on Salthouse (2010)

Decision Making in Later Life

Experience/
Background

Cognitive
Shortcuts

Different
Priorities

The Clinical Evaluation



Recent Decisions?



Using the Term “Capacity”

“an individual’s physical or mental ability; a legal status presumed to apply to all adults”



Historical Shifts



Clinical
Judgment



Research and
Standardization

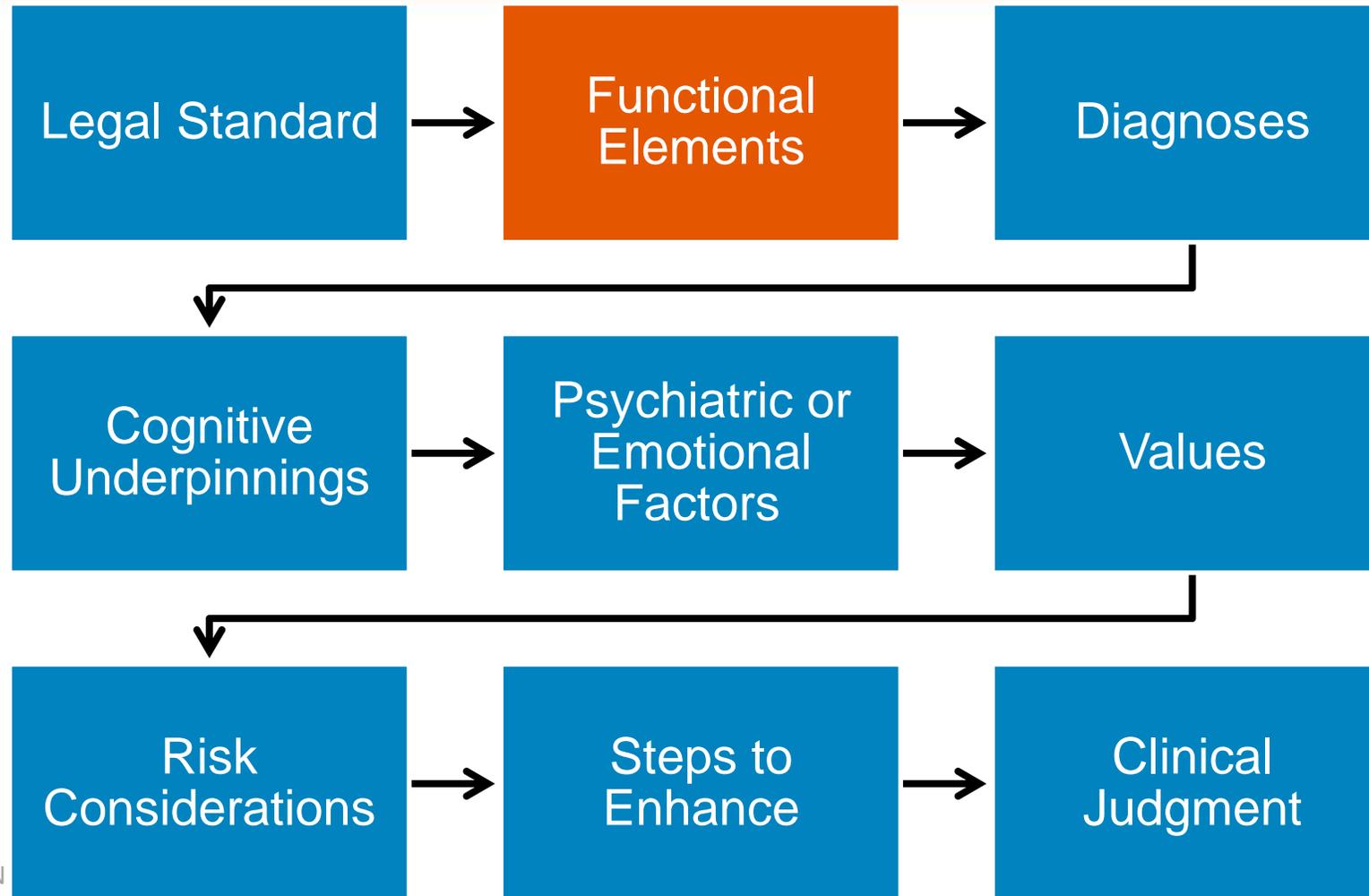


Legal Reforms

Capacity Myths

1. Capacity is “all or nothing”
2. Lack of capacity is permanent
3. Lack of one type of capacity means lack of the others
4. Only a specialist can decide
5. If they agree with the recommendations, they probably have capacity

ABA/APA Framework



The Basic Approach



Clinical Interview



Collateral
Information

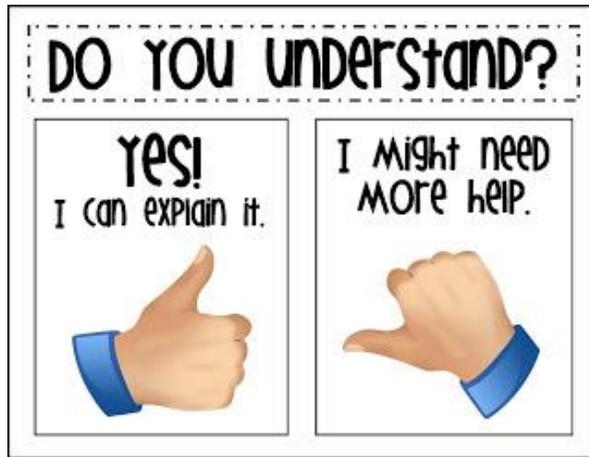


Standardized
Cognitive Measures



Performance-
Based / Capacity
Assessments

Components of Consent Capacity



Understanding



Appreciation



Reasoning

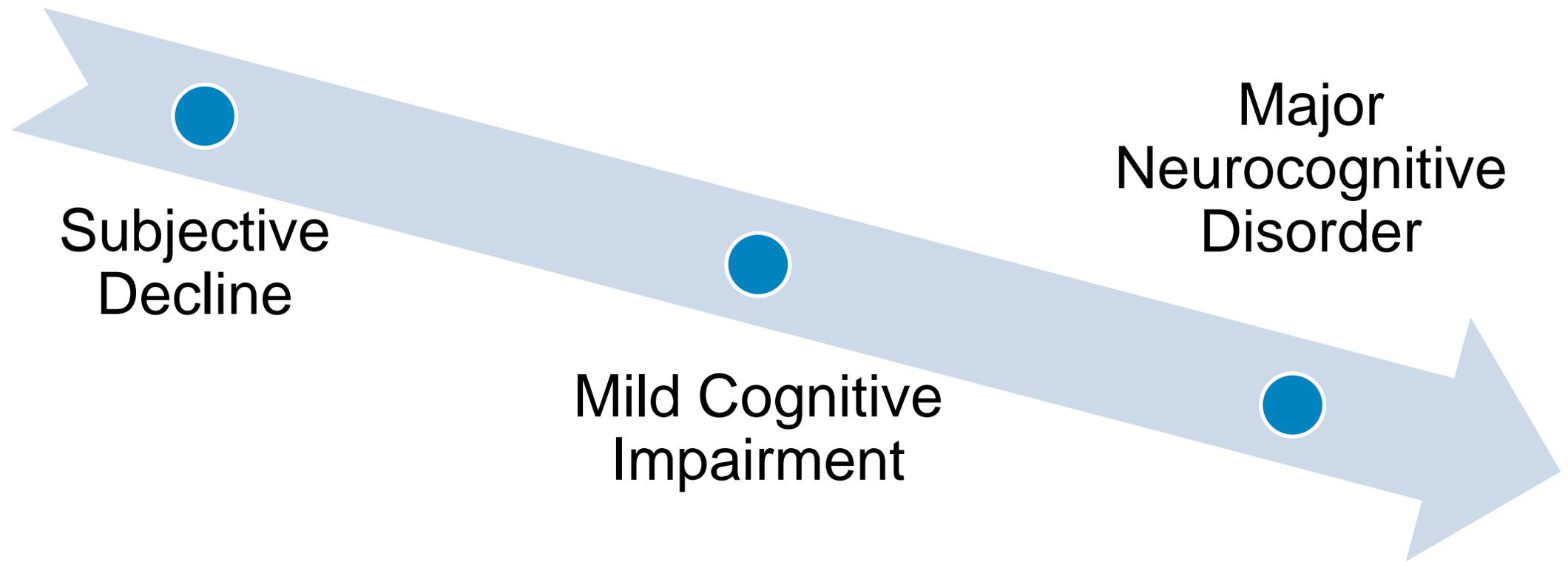


Expressing
a Choice



Supporting the Individual

Cognitive Change due to Disease



Other Influences on Decision Making

- Increasing Pain
 - Decreasing Sleep
 - Worsening Mood
 - Temporarily Distracted
 - Being Overwhelmed
 - Medication Side Effects
- Mood Disorders
 - Anxiety / Trauma
 - Psychotic Disorders
 - Education
 - Health Literacy
 - Lack of Inclusion

Some Ways of Supporting

- Take time to repeat information
- Summaries / bullets of information (verbal and written)
- Deliver information through multiple methods
- Give time for person to process
- Review information again later (or at their best time)
- Share most important points at the end
- Involve others in process