

**ETHICAL DECISION-MAKING AID FOR
PATIENTS WITH DIMINISHED CAPACITY**



**REASON TO QUESTION
PATIENT'S CAPACITY***
E.g., Dementia; Mental Illness;
Delirium/Encephalopathy;
Developmental Delay; Other
Cognitive Impairment



**PATIENT EXPRESSES
REFUSAL TO COOPERATE
WITH CARE VERBALLY OR
THROUGH BEHAVIOR**



**TREATMENT MEDICALLY
INDICATED AND/OR
PERMISSION GRANTED BY
APPROPRIATE DECISION-
MAKER**

**Ethical Insight #2:
SOLICITING INPUT
OF INTER-
DISCIPLINARY TEAM
TO DETERMINE
NATURE OF
PATIENT'S CAPACITY**

**Ethical Insight #4:
RESPECTING
PATIENT
AUTONOMY:**
1) Minimizing inter-
ference with au-
tonomous living;
and
2) Maximizing pa-
tient's ability to
live autonomously.

**Ethical Insight #6:
RECOGNIZING LIM-
ITS OF
BENEFACTENCE:**
Ensuring feasibility
of care plan; no one
is obligated to do the
impossible.

**Ethical Insight #8:
BEING OBJECTIVE BY
NOT GENERALIZING
FROM ANECDOTAL
EXPERIENCE**

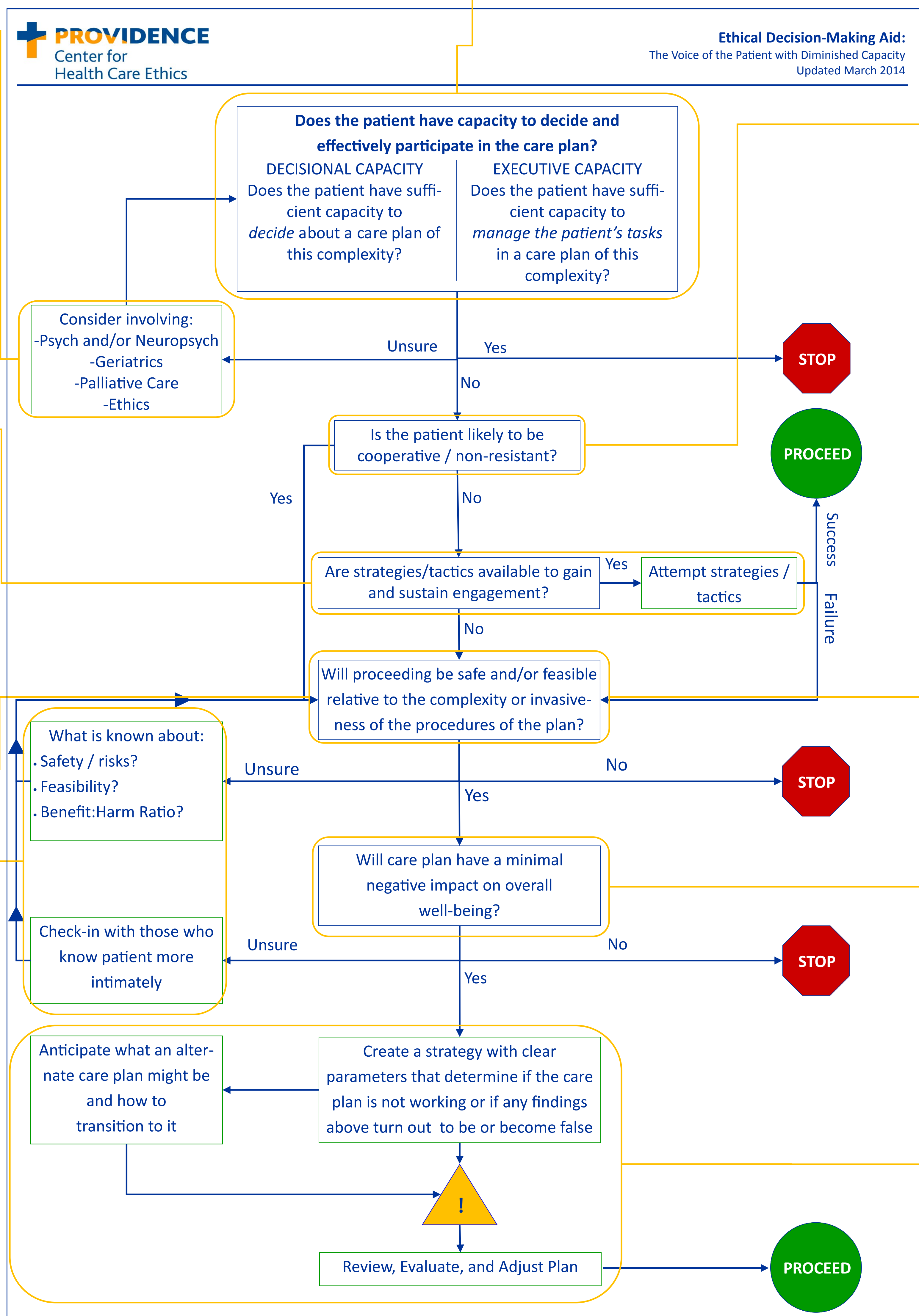
**Ethical Insight #1:
DISTINGUISHING NATURE OF CAPACITY IN DECISION-MAKING & ENGAGING CARE**
-Decisional capacity: Ability to decide to provide or refuse consent
-Executive capacity: Ability to manage the tasks for which the patient is responsible

**Ethical Insight #3:
ACKNOWLEDGING
EXPRESSION OF
PATIENT'S WILL AS
ETHICALLY RELE-
VANT WHETHER
PASSIVELY
RECEIVING OR
ACTIVELY
RESISTING CARE**

**Ethical Insight #5:
ACCOUNTING FOR
NONMALEFICENCE:**
Fulfilling duties to
protect the patient
and staff

**Ethical Insight #7:
CONSIDERING
SIGNIFICANCE OF
CARE PLAN'S
IMPACT ON
PATIENT WELL-
BEING AND
THERAPEUTIC
RELATIONSHIPS**

**Ethical Insight #9:
ANTICIPATING
CLINICAL MILE-
STONES TO KNOW
WHEN TO RE-
EVALUATE THE CARE
PLAN**



* One author (JFT) presented an earlier version of this decision aid, which focused exclusively on patients with mental illness, during the *Fourth International Conference on Clinical Ethics Consultation* in Rijeka, Croatia, September 5, 2008. In addition, the work was invited for publication in the *Journal of Hospital Ethics*: John Tuohey and Jeffrey Young, "Ethical Considerations in the Risk-Benefit Analysis for Patients with Diminished Capacity," *Journal of Hospital Ethics*, Winter 2009, 1 (3): 20-23.
© 2014—Providence Center for Health Care Ethics