WHEN DO YOU NEED TO INVOLVE A CAPACITY ASSESSOR?

A capacity assessor should be involved when:

- A formal capacity assessment is specified as the method of determining incapacity in a power of attorney document.
- One has reasonable grounds to believe that a person is incapable with respect to property decisions and is suffering or at risk of suffering serious adverse effects as a result of his/her incapacity.

WHO IS AN EVALUATOR?

An evaluator is a healthcare professional who is a member of one of the college specified in the Healthcare Consent Act 1996. An evaluator can assess capacity related to decisions about personal assisstance services (hygiene, washing fressing, grooming, eating, drinking, elimination, ambulation, positioning or any other routine activity ot living) and admission to a long-term care facility.

ON-LINE RESOURCES INCLUDE:

consent and capacity Board
http://www.ccboard.on.ca/

Health care consent Act
https://w w w.ontario.ca/statute/96h02

substitute decisions Act
https://w w w.ontario.ca/statute/92s30

*This guide provides general information about the current law in this subject area. However, legal information is not the same as legal advice, where legal advice is the application of law to an individual's specific circumstances. Although we have tried to make sure that the information in this guide is accurate and useful, we recommend that you consult a lawyer if you want professional legal advice in this subject area that is appropriate to your particular situation.

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RUNNYMEDE HEALTHCARE CENTRE



Capacity Assessment:

A quick guide for healthcare consumers and healthcare providors

RUNNYMEDE HEALTHCARE CENTRE

WHAT IS CAPACITY?

A person is considered to have capacity with respect to making a treatment decision if they have the ability to understand the information that is relevant to the treatment decision, is able to appreciate the foreseeable consequences of consenting or refusing to consent to the treatment, and is able to reach a decision. Unless there are reasonable grounds to suggest incapacity, there is a general presumption of capacity.

HOW IS CAPACITY ASSESSED?

Capacity assessment is the responsibility of the healthcare provider who proposes the treatment. it is primarily assessed by asking the individual questions related to the treatment decision.

The assessment may be supplemented by administering standardized tests or procedures that measure cognitive ability and brain function.

It is important to note that capacity is decision-specific. An individual may be able to make a simple, less complex decision but unable to make more difficult decisions that have potentially serious consequences.

IS THERE A FEE WHEN REQUESTING A FORMAL CAPACITY ASSESSMENT?

Yes, a formal capacity assessment by a designated capacity assessor is not covered by OHIP. Capacity Assessors establish their own hourly or flat rate and total cost can vary depending on the complexity of the assessment, time required, travel, and other expenses. In most circumstances, the person who requests the assessment is responsible for paying the assessor.

WHAT FACTORS CAN AFFECT CAPACITY?

Capacity may be impaired as a result of a number of treatable underlying physical and psychological conditions such as depression, dehydration, infection and fatigue.

Capacity may also be impaired as a result of an injury or disease that is not curable or likely to improve over time such as Alzheimer's disease.

WHAT INDICATORS SHOULD PROMPT FURTHER ASSESSMENT?

If an individual exhibits any of the following, further assessment of capacity is warranted:

- Confused and irrational thinking
- inability to retain information
- Flucuating wishes and alertness
- Level of suffering that impairs understanding

WHAT INDIVIDUALS INDICATORS DO NOT ALONE DETERMINE INCAPACITY?

Incapacity is not directly related to any of the following factors:

- Advanced age
- Language barriers
- Psychiatric illness
- Physical disability and/or communication disorders
- Refusal of treatment
- Lower levels of education
- Cultural/Religious background
- Idiosyncratic or unusual beliefs

DO INDIVIDUALS NEED TO BE INFORMED OF THE FINDINGS OF INCAPACITY?

Yes. Individuals need to be informed of a finding of incapacity and provided with information about their rights, including the right to appeal the decision through the Consent and Capacity Board.

WHO IS A CAPACITY ASSESSOR?

In Ontario, a capacity assessor is a specially trained health professional who is qualified to conduct a formal capacity assessment under the Substitute Decision Act, 1992.