

## Appendix 2.

### The process for making best interest decisions in serious medical conditions in patients over 18 years

V16 © 2008. Regnard C. From: Regnard, Dean & Hockley; A guide to Symptom Relief in Palliative Care 6th ed, Oxford: Radcliffe Publishing

Start by assuming that the patient has capacity. If there is doubt, proceed to the two stage test of capacity:

**Stage 1:** Does the person have an impairment of, or a disturbance in the functioning of, their mind or brain?

**Stage 2:** Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to?

Their capacity for this decision can be assessed by four functional tests:

1. **Can they understand the information?** *NB. this must be imparted in a way the patient can understand*
2. **Can they retain the information?** *NB. This only needs to be long enough to use and weigh the information*
3. **Can they use or weigh up that information?** *NB. They must be able to show that they are able to consider the benefits and burdens of the alternatives to the proposed treatment*
4. **Can they communicate their decision?** *NB. The carers must try every method possible to enable this*

The result of each step of this assessment should be documented, ideally by quoting the patient.

