

Reflections On The Issue Of Competence

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One of the most difficult things a person may have to do is decide whether loved ones or friends continue to be capable of making important decisions for themselves. The question of competence frequently comes up when you spend time with aging loved ones over the holidays and have more time to observe behaviors and abilities day-to-day.

Competence is a determination that addresses societal interest in restricting a person's right to make decisions because of incapacity; *capacity* addresses the integrity of mental functions.¹ Because our society strongly encourages autonomy and independence, we naturally want to respect the rights of our loved ones to make their own decisions. On the other hand, individuals who are not able to make informed decisions are vulnerable and may need support, even protection.

Determining whether an individual can continue to make independent decisions is complicated by the fact that decision making requires a cluster of abilities and falls along a continuum: individuals may be able to make good decisions for themselves about some things but not others (dinner but not finances), and their abilities may vary from day to day (use of medications, illness). Even the courts, which have the legal responsibility to determine competence, and physicians who determine capacity, don't have clear guidelines. Justices typically infer competence/capacity from overall ability to function in life, appearance, and the seriousness of the consequences of decisions being made.²

So, how does a lay-person determine whether someone is or is not capable of making decisions and may be vulnerable or at risk? In general, there are four important things to consider:

- can the person communicate in some way (speaking, writing, computer)
- does s/he grasp what is happening around her/him (does s/he know the date, people and places; can s/he do simple math, timely pay bills, and pay attention and participate in conversations)
- does s/he make a decision based on his/her own values, can s/he explain the reasons for decisions made, and
- can s/he foresee the possible results of decisions and choices made?³

Here is a simple, easy to use tool that you can use as a guide to help you begin to determine if an adult can make important decisions and function safely. Place a check in the column under the number that most closely matches the adult's ability to complete the item. If several items are scored either three or four, it may indicate there is some reason for concern. If you would like to have a more formal evaluation, seek an appointment with a neurologist, preferably one that specializes in gerontology. You can also email one of our experts if you would like to ask a few questions before you take the next step.

While this is not an easy task for anyone, especially when it concerns someone you care about, it may provide them with the support they need to remain safe and unharmed. Your goal in completing the review can still be to help the individual remain as independent as possible.

¹ Stanford University. Retrieved January 2, 2008 from <http://www.stanford.edu/group/psylawseminar/Competency.htm>

²Appelbaum, P.S. (2007) Assessment of Patients Competence To Consent to Treatment. *The New England Journal of Medicine*. 357, 18: 1834-1840.

³Wiggins, S.A. (2005) Decisional Capacity. Retrieved January 2, 2008 from http://www.fairview.org/healthlibrary/content/print_sha_deciscap.htm.

Capability Review Form*

This form is intended to help you assess an older person's ability to make important decisions, and function independently and safely at home. The items are focused on a person's *mental* capabilities rather than a person's *physical* ability to complete activities. ^{1 2}

1 – Needs No Help 2 – Needs Some Help 3 Needs More Help 4 – Can Not do

Can the individual:	1	2	3	4
1. State the correct date				
2. State his/her current phone number				
3. State his/her current address correctly				
4. State what s/he had for breakfast yesterday				
5. Name objects correctly (pen, chair, paper)				
6. Follow directions/instructions correctly				
7. Read a sentence from the newspaper				
8. Prepare and clean up from a meal				
9. Write a sentence correctly				
10. Review a bill and pay it				
11. Go to a distant location (store, post office) and return home				
12. Identify 3 important upcoming events/dates/holidays/tasks				
13. Draw the face of a clock correctly				
14. Participate in playing a game (Scrabble, chess, checkers, cards)				
15. Contribute to a group discussion involving 2-3 people				
16. Explain a decision s/he made recently				
17. Explain charges on his/her own credit card bill				
18. Dress neatly in clean, coordinated clothes				
19. Follow simple directions correctly				
20. Check the batteries in the smoke detector				
21. Explain a recently viewed TV program				
22. Name current doctor, lawyer, clergy if any				
23. Name and take prescribed medications correctly				
24. Describe what to do if s/he smells smoke				
25. Secure the house at night				

(This is not an all-inclusive examination of competency. It is intended to identify changes and potential areas of concern for individuals as they age as well as for their families and significant others to use when concerns arise.)

¹ Items 1-7 are drawn from the Mini Mental State Examination, Hartford Institute for Geriatric Nursing, Division of Nursing, New York University.

² Prigatano, G.P. et al. (1986) Neuropsychological Rehabilitation After Brain Injury. Baltimore: Johns Hopkins University Press.