Capacity Connections

How to proceed when a personal directive is in place.

If you feel uncertain about what to do when a patient has a personal directive you are not alone. A frequent question in our workshops is, “What do you do when a Personal Directive is in place?” The following algorithm should help you and your team work through the process. As always, if you have any questions or need further clarification please contact any member of the Capacity Mentoring Team.

Points to remember:

- Remember to use the Capacity Assessment Process Worksheet to guide the team in determining if proceeding with a Capacity Assessment is necessary.
- Instructions on how to complete the capacity assessment should be outlined in the Personal Directive. Is someone named to complete the assessment with the physician?
- There should always be two people who complete the assessment.
- The assessment should indicate personal matter(s) (domains) the adult is no longer able to make decisions in.
- In order for the agent to make decisions on behalf of the adult both the Personal Directive and the Declaration of Incapacity Report should be presented, copied and placed on the chart.
- Direction from the agent should only be taken in those areas where the adult was determined to lack capacity.
- The adult should still be involved in the decision-making process as much as possible.

To access more information or obtain copies of commonly used forms please visit CompassionNET – see link below or the Alberta Human Services site at:

http://www.humanservices.alberta.ca/guardianship-trusteeship/personal-directives-how-it-works.html

Visit CompassionNET > Care and Safety > Capacity Assessment > Legal Forms and Schedules to access documents regarding Personal Directives
Adult Has a Personal Directive

- Is the PD on the chart?
  - Yes: Request copy from Adult or Agent and place on Chart.
  - No: Is the adult’s decision making in question?
    - Yes: Complete Assessment of Capacity as per instructions in the PD.* Cannot refer to DCA.**
    - No: Is the PD enacted?
      - Yes: Initiate Capacity Assessment Worksheet to explore options.
      - No: Is the adult’s decision making in question?
        - Yes: Complete Assessment of Capacity as per instructions in the PD.* Cannot refer to DCA.**
        - No: Informal solution found?
          - Yes: Adult retains Decision Making capacity.
          - No: Informal solution found?
            - Yes: Adult retains Decision Making capacity.
            - No: Is patient capable?
              - Yes: Enact PD. Physician and Agent complete Declaration of Incapacity Schedule 2 and place on Chart.
              - No: Enact PD. Physician and Service Provider complete Declaration of Incapacity Schedule 3 and place on Chart.
              - Or: Alternate Decision Maker in place.

* If no one is named in the PD, two service providers (at least one physician, or psychologist) must do a capacity interview.
**DCA (Designated Capacity Assessor may only act under AGTA)