

Healthcare Decision Making: Key principles for health practitioners

When it comes to making decisions about health, whether in an emergency situation or regarding an ongoing health issue, it is everyone's right to have the opportunity to consent to or refuse treatments. The person must remain at the centre of health decisions.



Self Determination

Principle 1. Always assume an adult has capacity

- All adults are presumed to have capacity to make decisions for themselves including whether or not to receive healthcare.
- Intellectual or cognitive impairment, mental illness, brain injury dementia and age may impact on an adult's decision-making ability but it doesn't necessarily mean they lack capacity.

Principle 2. Capacity is decision-specific and time-specific.

Capacity is a constant question.

- It can change or fluctuate.
- Adults with dementia or delirium for example might have capacity on some days or during parts of the day.
- Health practitioners need to continue to presume capacity at each new decision or time.

Principle 3. Provide the adult with the support and information they need to make and communicate decisions

Referring to a substitute decision maker is the last resort.

- Capacity can change with support.
- Providing support to help the person make a decision is the first step when capacity is in question.
- An adult can't be treated as unable to make a decision unless all practicable steps have been taken to provide the information and support necessary to make that decision.

Principle 4. Assess the adult's decision-making ability rather than the decision they make

It's not a case of 'good' or 'bad'.

- Capacity assessment is not focused on whether or the final decision is a 'good' or 'bad' decision, but the ability to make a decision.
- For example, decisions to withdraw life-sustaining treatment can be difficult. Time it takes to make a decision may not necessarily be a reflection of capacity.

Principle 5. Respect the adult's dignity and privacy

Transparency is key.

- You should be clear and let the adult know that you are assessing their decision-making capacity and why.
- Applying to appoint a substitute decision-maker without the person's knowledge is not in keeping with dignity and human rights principles.

This is general information only and does not constitute legal advice. If you have a specific legal problem, please consult your legal advisor.

Reference: Queensland Capacity Assessment Guidelines 2020