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| Voluntary Assisted Dying: Decision making capacity |
| Video transcript |

Dr Peter Hunter: Assessing decision-making capacity is a critical part of a medical practitioner's work, and something we do every day, often without thinking about it. Every time we have a discussion with a patient about their treatment options and they consent to treatment, you make sure the patient understands the decision they are making. Like any other medical treatment or other treatment decisions around end-of-life care, a person must have decision-making capacity to make a choice to access voluntary assisted dying. This requires you to consider four things. Does the person understand the information being provided about voluntary assisted dying? Can the person retain this information? Can the person use or weigh this information as part of their decision-making process? And can the person communicate this decision?

To assess these four points, you should have a conversation with the person about voluntary assisted dying. The simplest way to do this may be to ask the person what they understand about voluntary assisted dying. Listen to their response and assess their understanding of the information. Red flags may include a failure to understand their condition or not being able to identify their other treatment options. Then ask the person why they want to access voluntary assisted dying. Remember that it is not your job to assess whether the person is making a good decision. It is your job to assess whether the person is using the information about voluntary assisted dying to make a reasoned decision. If a patient keeps reversing their decision or cannot express their decision in a consistent way, this may indicate a lack of decision-making capacity. The person must be able to communicate their decision, but this does not have to be orally. People communicate in a range of different ways and should be supported to do so. Other health practitioners, such as speech pathologists, might be able to help in these circumstances, but it is important that a person is communicating their own reasons and someone else is not filling in the gaps.

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