

# Informed Consent, Substitute Decision Making, and the Family

## Lecture 2.1



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### *competency, revisited*

- What does it mean to be competent or incompetent?
- Is there a clear, non-arbitrary line between the two?
  - **competency**: “an ability to perform a task”
  - criteria of competence varies according to the task in question and varies for the same person over time...
  - competence and incompetence are rarely total...



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### *Standards (or tests) of competence...*

What are the cognitive standards required for a patient to be considered competent to make medical decisions?

1. Inability to express or communicate a preference or choice.
2. Inability to understand one's situation and its consequences.
3. Inability to understand relevant information.
4. Inability to give any reason at all for the decision being made.
5. Inability to give a rational reason (though other non-rational reasons are given).
6. Inability to give risk/benefit type reasons.
7. Inability to reach any decision whatsoever.



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