

MENTAL CAPACITY ACT

Psychiatric Assessment of Mental Capacity

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A person lacks capacity in relation to a matter if at the material time he is unable to make a **decision** for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the **mind** or **brain**.

Disorders Affecting Mental Capacity

- ◆ Neurological disorders e.g. stroke, tumour, head injury, dementia, infection, etc.
- ◆ Mental disorders, e.g. depression, schizophrenia, mania, etc.
- ◆ Intellectual disabilities

Types of Mental Incapacity

- ◆ Permanent incapacity
 - A persistent vegetative state
 - End stages of Alzheimer's disease
- ◆ Temporary incapacity
 - Drunk or drug abuse
 - Affected by prescribed medication drugs
- ◆ Fluctuating capacity
 - Early stage dementia
 - Clinical depression, schizophrenia, etc.

Assessment of Mental Capacity

- ◆ Is the person likely to regain capacity and if so when?
- ◆ What are the past and present wishes of the person?
- ◆ What are the person's beliefs and values, and are there other relevant factors?
- ◆ The views of carers and other nominated or appointed persons should be sought on the beliefs of the person lacking capacity.

Psychiatric Assessment

A thorough assessment includes:

1. detailed history
2. mental state examination
observation, listening, testing
3. physical examination
4. if indicated, investigations

Assessment of the Mind

Observation

- ◆ **Behaviour & Appearance**

- ◆ **Mood**

Listening

- ◆ **Speech**
- ◆ **Thought content**
 - **Delusion**
 - **Hallucination**

Testing

Cognition

- Concentration
- Orientation
- Memory
- Intelligence

Who Can Assess Mental Capacity

- ◆ Informal Assessment
- ◆ Formal Assessment

- ◆ Understanding the information
- ◆ Remember the information
- ◆ Weigh up the information
- ◆ Communicate the decision

Case Discussion

- ◆ 1. 20 year-old man with a history of depression.
- ◆ 2. 70 year-old woman with early dementia