

ASSESSMENT OF 30 MCQs

FPSC NO : 32
MENTAL CAPACITY ACT AND CODE OF PRACTICE
SUBMISSION DEADLINE : 10 NOVEMBER 2009

INSTRUCTIONS

- **With effect from 1st April 2008, the College Assessment of 30 MCQs has gone paperless.**
- **To submit answers to the following multiple choice questions, you are required to log on to the College Online Portal (www.cfps2online.org)**
- **Attempt ALL the following multiple choice questions.**
- **There is only ONE correct answer for each question.**
- **The answers should be submitted to the College of Family Physicians Singapore via the College Online Portal before the submission deadline stated above.**

Unit I - Overview of MCA

- 1. Under the Mental Capacity Act which was passed in September 2008, a person who has mental capacity and wishes to voluntarily appoint one or more persons to act and make decisions on his behalf if when he lacks capacity in the future can do so by:**
 - (A) Getting the Court to form a Committee of the Persons.
 - (B) Applying to the Ministry of Community, Youth and Sports.
 - (C) Making a Lasting Power of Attorney (LPA).
 - (D) Applying to the Ministry of Health.
 - (E) None of the above.
- 2. Under the Mental Capacity Act, which ONE of the following provisions is CORRECT?**
 - (A) Provides safeguards to protect persons with mental capacity.
 - (B) Allows the Court to appoint a deputy to act and make decisions on behalf of a person who lacks mental capacity when the person has only one Lasting Power of Attorney (LPA).
 - (C) Allows parents of children with intellectual disabilities who are below the age of 18 years old to apply to court to appoint a deputy to oversee the child's welfare and financial matters should the parents pass away or lose their mental capacity.
 - (D) Gives legal protection for acts done by anyone in connection with the care and treatment of a person who lacks capacity if the act is done in the best interest of the person.
 - (E) Allows the appointment of a Committee of the Estate to manage the personal welfare and finances of an individual of unsound mind.
- 3. A Lasting Power of Attorney (LPA) is a legal document that a person (donor) signs which allows him to choose one or more persons called XXX to make decisions on the donor's behalf when he lacks mental capacity. What is XXX called?**
 - (A) Donee.
 - (B) Public guardian.
 - (C) Deputy.
 - (D) Administrator.
 - (E) Caregiver.
- 4. A Lasting Power of Attorney (LPA) takes effect when:**
 - (A) A medical practitioner certifies the donor has mental capacity.
 - (B) The donor loses mental capacity.
 - (C) The donor dies.
 - (D) The donee loses mental capacity.
 - (E) The donor becomes a bankrupt and the LPA is in respect of Property and Affairs.
- 5. Besides a Property and Affairs LPA, the other type of LPA is a:**
 - (A) Marriage and Divorce LPA.
 - (B) Personal Welfare LPA.
 - (C) Human Organ Transplant and Advance Medical Directive LPA.
 - (D) Sexual Sterilization and Change of Sex LPA.
 - (E) Renouncing Religion and Consenting to Adoption LPA.
- 6. The Mental Capacity Act applies to certain persons involved in the care and treatment of or have dealings with a person who has lost mental capacity. Which of the following is NOT one of these persons:**
 - (A) Spouse.
 - (B) Friends.
 - (C) Pharmacist.
 - (D) Public guardian.
 - (E) Donor.
- 7. The functions of the Office of the Public Guardian includes all of the following EXCEPT:**
 - (A) Keeping a register of Lasting Power of Attorney.
 - (B) Keeping a register of court orders appointing deputies.
 - (C) Checking on the general well being of a person who lacks mental capacity.
 - (D) Investigating any complaints about donees or deputies.
 - (E) Public education on the Mental Capacity Act.

8. A donor wishes to appoint two donees. He wants to know how the two donees may work to make decisions for him when he lacks capacity. Which of the following statements about the donees working relationships to make decisions for the donor is correct?

- (A) Jointly – The two donees can take the decision together or separately.
- (B) Jointly and severally – The donees can act together but cannot act separately.
- (C) Jointly on some matters and jointly and severally on others – an example will be to act jointly when selling a residential property but may act separately on paying household bills.
- (D) Unspecified how the donees are to act – the law assumes that they are to act independently.
- (E) All of the statements above are correct.

9. A person may appoint a property and affairs donee. Which of the following is OUTSIDE the type of decisions that such a donee is authorised to make?

- (A) Buy, sell, rent and mortgage property of the donor.
- (B) Open, close and operate bank accounts of the donor.
- (C) Handle tax matters of the donor.
- (D) Accept third party commissions in transactions involving the donor.
- (E) Purchase a vehicle that the donor needs.

Unit 2 - MCA - Legal implications

10. Under section 4.8.3 of the Code of Practice, who can conduct formal assessments of mental capacity of persons are described. Of the following, besides the mental health specialists, who would be allowed to conduct such assessments as a certificate issuer?

- (A) Pharmacist.
- (B) Accredited GP.
- (C) Social worker.
- (D) Donee.
- (E) All of the above.

11. The phrase “undue pressure” appears in the MCA in relation to the matters of the formalities and validity of a Lasting Power of Attorney. Which of the following statements about undue pressure is the most correct in the context of the MCA?

- (A) “Undue pressure” has the same meaning as “undue influence”.
- (B) If there is undue pressure being used to induce the donor to create a lasting power of attorney, the Court may direct that it should not be registered or be revoked.
- (C) “Undue pressure” has less ambit than “undue influence”.
- (D) Whether there is “undue pressure” depends on the categories of undue pressure that a particular case falls into.
- (E) None of the above statements on “undue pressure” are correct.

12. In performing a formal assessment of mental capacity and making his certification, an accredited GP should ensure several things. Which of the following statements is correct?

- (A) He ensures that Part B of the Mental Capacity Assessment Form is completed by the persons requesting the assessment.
- (B) He reads the completed Part B in order to understand the reason why the assessment is sought.
- (C) He approaches the task in the same manner as he would in making a diagnosis.
- (D) He can be related to the person to be assessed so long as he is not the spouse.
- (E) None of the statements are correct.

Unit 3 - Code of practice

13. A medical practitioner would like to recommend an influenza vaccination to a 67-year-old patient with early dementia and fluctuating short term memory recall. The patient also has chronic obstructive lung disease and has not made a LPA. Which of the following is a CORRECT step to take?

- (A) Assume the patient is incapable of making a decision because the patient has dementia.
- (B) Assume the patient is incapable of decision making because the caregiver says the patient is unable to understand.
- (C) Check if the patient can remember past events and assume lack of mental capacity if he cannot remember.
- (D) Choose a time when the patient is most alert to check if he has mental capacity.
- (E) Assume influenza is going to be useful and waive the need to confirm mental capacity is present or not.

14. A formal test of mental capacity can be conducted using the Assessment of Mental Capacity form by:

- (A) Caregivers.
- (B) Nurses.
- (C) Relatives.
- (D) Lawyers.
- (E) Accredited GPs and specialists.

15. Which of the following statements about the Code of Practice and its application to medical practitioners is not correct?

- (A) It is a set of laws.
- (B) It is a set of guidelines.
- (C) It helps understanding of their responsibilities and rights.
- (D) It contains many medical scenarios.
- (E) Failure to follow the Code can be used as evidence in court.

16. With regards to the five statutory principles associated with the Mental Capacity Act (MCA), which ONE of the following is CORRECT?

- (A) A person must be able to prove that he or she has capacity to be treated as a person who can make decisions.
- (B) For safety reasons, a decision that is more restrictive of the person's rights and freedom is preferred in a person with mental incapacity.
- (C) A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
- (D) A person is treated as unable to make a decision if he or she makes an unwise decision, even once.
- (E) An act done, or decision made on behalf of a person who lacks capacity aims at the best interests for the family.

17. In the MCA, with regards to the statutory principle that "the person is not treated as unable to make a decision until all practicable steps to help him to do so have been taken without success", in which ONE of the following situations will this principle NOT apply?

- (A) The patient has severe osteoarthritis of the knees and a decision is needed whether to go for knee surgery.
- (B) An emergency situation where the patient is unconscious and bleeding after a road traffic accident.
- (C) A deaf mute with a gangrenous toe which requires amputation.
- (D) An 80-year-old mother with dementia needs to be restrained to prevent her from injuring herself or wandering off.
- (E) None of the above.

18. Examples of the types of decisions and actions a Personal Welfare donee may be authorised to make include all of the following EXCEPT:

- (A) Where the donor should live.
- (B) Who the donor should live with.
- (C) What to eat and wear.
- (D) Who the donor may have contact with.
- (E) Adopting or renouncing a religion on behalf of the donor.

Unit 5 - Psychiatric Assessments

19. With regards to fluctuating incapacity, in which ONE of the following disorders will the mental incapacity be most likely to be fluctuating?

- (A) Severe Stroke.
- (B) Moderate dementia.
- (C) Encephalitis.
- (D) Schizophrenia.
- (E) intellectual disability.

20. Which of the following regarding the types of Mental Incapacity is CORRECT?

- (A) Early stage dementia has fluctuating incapacity.
- (B) A persistent vegetative state can give rise to fluctuating incapacity.

- (C) A chronic alcoholic goes in and out of drunkenness, therefore his mental incapacity is fluctuating.
- (D) Clinical depression causes permanent incapacity.
- (E) End stage Alzheimer's Disease causes temporary incapacity.

21. To help the patient understand the information that is necessary to make a decision, the doctor should AVOID:

- (A) Explaining the nature of the decision to be made.
- (B) Giving reasons why it needs to be made as the patient cannot comprehend.
- (C) Highlighting other options available to the patient so as not to cause confusion.
- (D) Explaining the consequences of making and of not making the decision.
- (E) Rushing or pressurizing the patient.

22. In order for a patient to make a decision he needs to remember the information given by the doctor:

- (A) For as long a time as possible.
- (B) For at least 5 minutes and repeat the information to the doctor.
- (C) For a short period of time, but sufficiently long enough to understand it and weigh his decision based on the information.
- (D) And be able to reproduce this information later if asked to do so in court.
- (E) As well as pass a memory test of recalling at least 5 objects given 3 minutes earlier.

23. In order for a patient to make a decision he needs to be able to communicate his decision to others. A person does not seem to comprehend what is told to him about the need for treatment of his infected leg. Which of the following is the best approach?

- (A) Communication can be done in writing.
- (B) Communication can be done with any external help, e.g. someone of the same ethnic group.
- (C) Further communication efforts may be omitted because due process has been carried out by talking to him.
- (D) Verbal communication can be supplemented by sign language and writing.
- (E) Communication should be attempted again in the presence of a neutral third party.

24. Mr Tan wants to have his father's mental capacity assessed, but tells the doctor that his father refuses to attend the clinic. The doctor:

- (A) Can advise Mr Tan to be patient and wait for a more opportune time.
- (B) Can make an assessment based on the information in his case notes.
- (C) Can make an assessment based on information provided by Mr Tan.
- (D) Should make a house call and speak to Mr Tan's father.
- (E) Can advise Mr Tan to put his father in a wheelchair and bring him to the clinic.

25. Mr Tan is the main caregiver for his elderly father, and forbids him to go out alone during the day as he is afraid that his father will not be able to find his way home.

- (A) Mr Tan should see his GP for a formal assessment in order to do this.
- (B) Mr Tan is making an informal assessment and is acting on his father's best interest.
- (C) Mr Tan does not have the necessary expertise to make this decision.
- (D) Mr Tan should have made a collective decision with his other siblings.
- (E) This decision should have been made by an unrelated third party.

Unit 6 - Ethical Issues

26. One key ethical tenet expressed through the provision of the MCA is the respect for persons. Which of the following statements is consistent with this perspective?

- (A) A person who makes an unwise decision cannot be relied on as having mental capacity.
- (B) Age is a reliable factor in deciding whether the person has mental capacity.
- (C) A person who is wandering needs to be restrained.
- (D) All practicable steps must be taken to help a person in decision making before declaring him incapable of making a decision.
- (E) None of the above statements are consistent with the ethical perspective of respect for persons.

27. The MCA is oriented towards respecting the person's autonomy to the extent permitted by his residual abilities. Which of the following provisions in the MCA does NOT reflect this perspective?

- (A) Assessment of the ability of a person is able to make a decision is task-specific.
- (B) A person who has inadequate capacity for complex financial matters is allowed to decide on simple transaction decisions so long as he has the capacity to do so.

- (C) A person lacking capacity should be permitted and encouraged to participate as fully as possible in any act done for him or any decision affecting him.
- (D) The least restrictive of the person's right and freedom of action is chosen.
- (E) To be safe, one should err on the side of safety in the curtailment of the civil liberty of that person.

28. The lasting power of attorney expresses the ethical principle of respect for persons in two ways. The first is to protect a person who lacks capacity from having to make decisions that are not consistent with his best interests. The second way is though letting him decide before he loses his mental capacity:

- (A) Who his surrogate decision makers will be and what will they decide for him.
- (B) Where he wants to live.
- (C) What property he wants to acquire.
- (D) What bank account he would want to open.
- (E) Who will be the beneficiary of his property.

29. With regard to decisions related to care or treatment, evidence show that surrogates predicted patients' treatment preferences wrongly at what proportion of the time:

- (A) One-sixth.
- (B) One-fifth.
- (C) One-quarter.
- (D) One-third.
- (E) One-half.

30. There is one difference between the UK Mental Capacity Act 2005 and the Singapore Mental Capacity Act 2008. The Singapore Mental Capacity Act does not carry any provision for advance decisions on:

- (A) Refusal of treatment.
- (B) Care arrangements.
- (C) Treatment.
- (D) Personal welfare.
- (E) Property and affairs.