

Case 18 – Robert

Robert has come to the office for results of neuropsychological and neurological testing. According to the neurologist, Robert has a clinical presentation typical of Alzheimer's disease.

Best Practice Response

Material facts

- The relevant facts are:
 - Robert has arrived to the general practitioner's office to discuss neuropsychological and neurological testing which indicates that his clinical presentation is typical of Alzheimer's disease.

Relevant ethical considerations and medico-legal issues

- The law presumes that an adult has decision-making capacity, unless there is evidence to the contrary.
- In assessing a patient's capacity, doctors should consider:
 - The patient's ability to weigh up options and assess risk.
 - Capacity may vary when the patient suffers from a fluctuating impairment in their mental processes that may be caused by an underlying disease, the effects of drugs or a mental illness. Assessment of capacity may therefore be limited to a specific decision at a specific point in time.
- Whilst the patient is considered to have capacity, it might be advisable to discuss the need to appoint an Enduring Power of Attorney. This will allow for a carer or family member to make decisions in relation to health care and finances on his behalf. The operation of these documents can be structured so that they only become effective once the patient is no longer deemed to have capacity.

MDA's recommendations

- In this case study, it is firstly necessary to establish if Robert currently has capacity to make healthcare decisions. He has already undergone appropriate testing by an appropriate specialist who should be able to reach an opinion on this issue.
- Assuming Robert is considered to have capacity, it would be appropriate for a frank discussion to occur to emphasise the importance of expeditiously instituting an Enduring Power of Attorney which will enable health and financial decisions to be made on his behalf once he no longer has capacity.
- It may be appropriate to suggest to Robert that he may wish to attend a further consultation with a family member or trusted friend to discuss the ramifications of the diagnosis and prognosis.
- Seek advice from your MDO on the applicable law in your State.

Links to resources:

- Assessment of Capacity, *Defence Update MDA National*, Spring/Summer 2015.
- AMA Code of Ethics (Revised 2016)