

Choice, Consent and Competency in Aged Care

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Man in the street



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Eva



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Legislation (New Zealand)

- Human Rights Act
- Code of Health and Disability Services Consumers' Rights
- Protection of Property and Personal Rights Act
- Bill of Rights Act



Informed Consent

- Interactive process
- Consumer understands
- No coercion
- Gives agreement
- Respect for wishes of consumer
- Expert information and advice



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Right 7: The Right to Make an Informed Choice and Give Informed Consent

- Informed consent before providing services
- Every consumer presumed competent
- Consumers with diminished competence have the right to make informed choices and give consent
- If a consumer is not competent, services may be given under certain conditions



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Right 7: cont...

- Advanced directives are OK
- Informed consent must be in writing if it involves significant risk
- The consumer may refuse services or withdraw consent
- The consumer may choose who will provide services



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Betty



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Diana Minnee, Capital and Coast DHB



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Elizabeth



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Dorothy



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Carolyn Wahapu, Aroha Care Centre



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Three situations

- Mentally competent
- Not mentally competent but has an enduring power of attorney (EPA) for personal care and welfare
- Not mentally competent and no EPA

Risk-taking and Competence

- High risk - high competence needed
- Low risk - low competence acceptable
- Respects autonomy
- Promotes involvement
- Protects from possible harm
- Presumption of competence



Levels of participation in decision-making

1. Listens
2. Absorbs, retains and recalls
3. Appreciates significance of information for them and others
4. Evaluates significance of information
5. Expresses cognitive and evaluative understanding
6. Communicates decision



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Surrogate Decision making

Enduring Power of Attorney (personal care and welfare)

Cannot act until the donor loses capacity

Duty of attorney

- Promote and protect best interests
- Encourage participation
- Encourage communication
- Take account of person's wishes



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Surrogate Decision Making (No enduring power of attorney)

Substitutive judgement –

- What would the older person want
- Advance directives
- Consult family

Best interests approach

- Clinical decision



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Sonny Dawson, Te Oranga Kaumatua Kuia Disability Support Services, Manurewa



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Kenneth



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Molly Pihigia, Toa Pacific, Otahuhu



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Attitudes



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