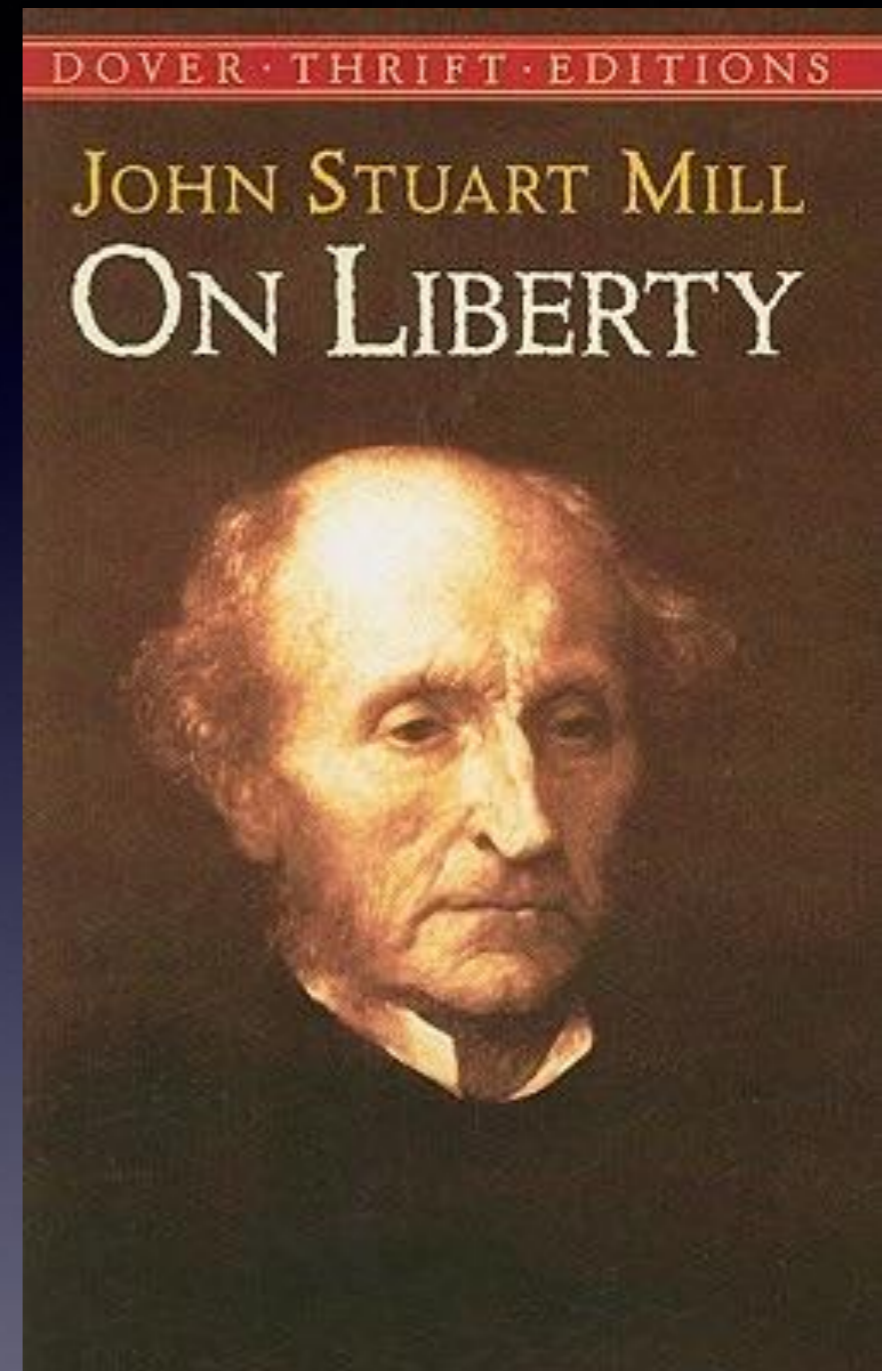


Assisted Decision Making Bill -

the impact on the ground

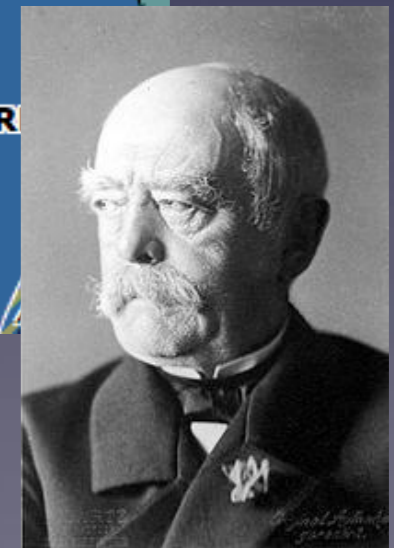
“the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. **His own good**, either physical or moral, is not a sufficient warrant.”



1859

- Assessment of capacity - Lunacy Regulation 1871

And the words "alleged lunatic" shall be construed to mean any "Alleged lunatic."
person stated to be or treated as if he were a lunatic, or any



Cases

J.

Cases

J.

569 days

Cases

A.

Cases

A.

308 days

Cases

D.

Cases

D.

266 days

Impact on Hospital

- average 9 at any one time
- average 18 months to process
- 3,285 bed-days per annum (=470 average medical admissions)
- €2.95 million per annum

Capacity Assessment

- Status approach
- Outcomes approach
- Functional approach

- Capacity to go decide on going home
- Capacity to create an enduring power of attorney
- Capacity to create a will - *testamentary capacity*
- Capacity to engage in Fair Deal (=financial capacity)
- Capacity to refuse treatment

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"Best interests" vs -

Dignity
Bodily integrity
Privacy
Autonomy
Beliefs and values
Preferences

In Irish Law -

Everyone has capacity until shown otherwise

Ir Med J. 2001 Sep;94(8):234-6.

Autonomy vs welfare? Anatomy of a risky discharge.