**Criteria for assessing decision-making capacity**

**MMSE >24** has a negative likelihood ratio of 0.05 for lack of capacity, while a **MMSE <16** has a positive likelihood ratio of 15 for lack of capacity.

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**Appelbaum PS, Grisso T. (unpublished)**

**Model Questions for Assessing Capacity**

**Ability to choose**

1. Have you made a decision about the treatment options we discussed?

**Ability to understand relevant information**

2. Please tell me in your own words what I’ve told you about
   - the nature of your condition
   - the treatment and diagnostic test recommended
   - the possible benefits from the treatment/diagnostic test
   - the possible risks (or discomforts) of the treatment/diagnostic test
   - any other possible treatments that could be used, and their benefits and risks
   - the possible benefits and risks of no treatment at all

3. We’ve talked about the chance that X might happen with this treatment? In your own words, can you tell me how likely you think it is that X will happen?

4. What do you think will happen if you decide not have treatment?

**Ability to appreciate the situation and its consequences**

5. What do you believe is wrong with your health now?
6. Do you believe it’s possible that this treatment/diagnostic test could benefit you?
7. Do you believe it’s possible that this treatment/diagnostic test could harm you?
8. We talked about other possible treatments for you—can you tell me, in your own words, what they are?
9. What do you believe would happen to you if you decided you didn’t want to have this treatment/diagnostic test?

**Ability to reason**

10. Tell me how you reached your decision to have [not have] the treatment/diagnostic test?
11. What things were important to you in making the decision you did?
12. How would you balance those things?

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**Sources:**


