Figure two
An aide-memoire for the process of making decisions in a person’s best interests.

When is a second opinion needed?
- Is feeding being withdrawn? Second opinion required by General Medical Council.
- Is there an unsolvable dispute? Should always have a second opinion.
- Is the issue being decided very finely balanced or unusual? Consider having a second opinion.
- A second opinion is not required otherwise.

Who is the decision-maker?
- Does the patient have a valid and relevant Advance Decision?
  - Yes? Adhere to Advance Decision. STOP PROCESS HERE
  - No? Proceed to assess the patient’s best interests.
- Is there an Advance Statement? If so this may guide decisions made by a decision-maker.
  - Yes? Proceed to the patient’s best interests.
  - No? Proceed to assess the patient’s best interests.
- Is there a patient-appointed attorney empowered to make the decision?
  - No? Proceed to assess the patient’s best interests.
- Is there a court-appointed deputy empowered to make the decision?
  - No? Proceed to assess the patient’s best interests.
- A senior clinician from the healthcare team is the decision-maker when:
  - No? Proceed to assess the patient’s best interests.

What is the neurological diagnosis?
- Is the diagnosis reasonably certain?
- Is the brain damage enough to cause observed state?
- Are there any additional treatable factors?
- What are the patient’s somatic, bodily experiences?
- What are the patient’s emotional feelings?
- What functional autonomy does the patient have?
- How much can the patient communicate with others?
- What is the nature and extent of their social participation?
- Can any intervention materially improve the situation?
- What is the patient’s best stable outcome in the five clinical domains above?
- What is the patient’s most likely stable outcome in the five clinical domains?

What is the clinical situation?
- What information is needed to establish the person’s interests?
  - Have you consulted with family, friends and others who may have information?
  - Have you established likely “wishes and feelings” and “beliefs and values”?
  - Have you established all “other factors” relevant to decision(s)?
- Has each decision been documented, including justification?
- For each decision, have outcomes been assessed against patient interests?
- Given the patient’s known factors likely to influence their judgement:
- Given the current situation and likely prognosis:
- Given the process of judging the patient would have used:
- The decision-maker is using substituted interests.

What is the prognosis?

Seven questions when making a serious medical decision in someone lacking mental capacity.

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