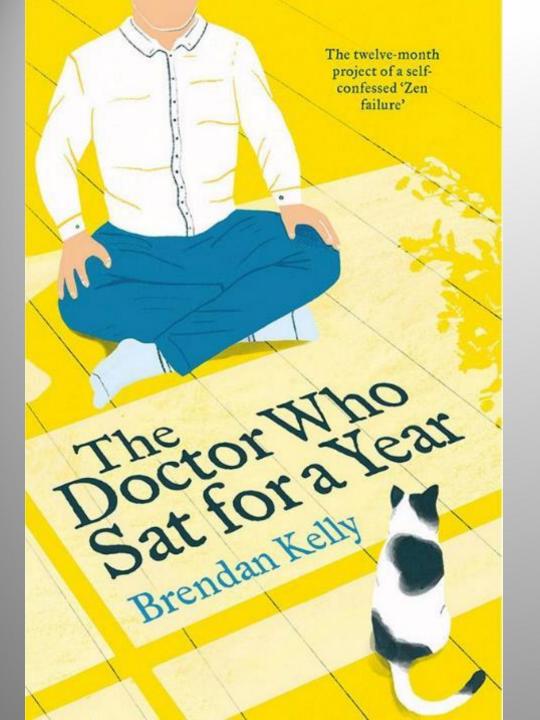
# Assisted Decision Making (Capacity) Act 2015 as a conduit for realising human rights in mental health

Brendan Kelly

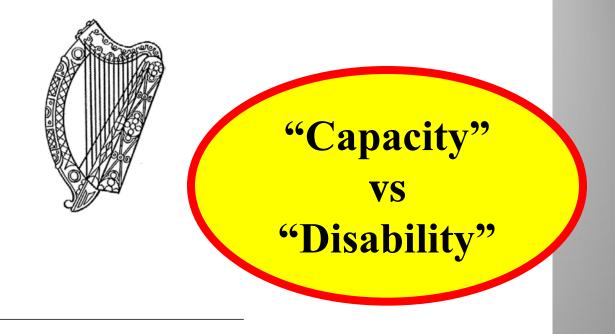








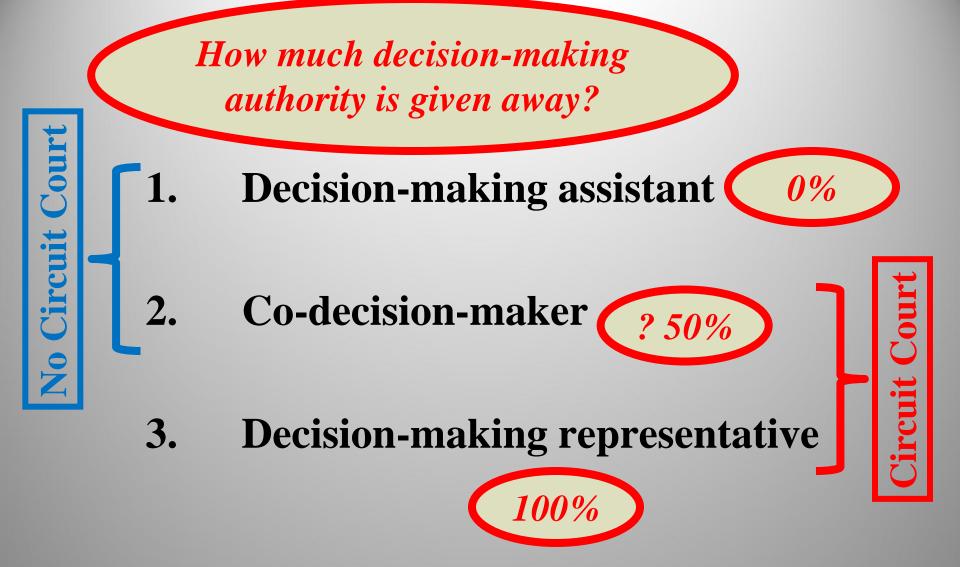
- 1. ADMCA 2015
- 2. Numbers
- 3. Conclusions



Number 64 of 2015

Assisted Decision-Making (Capacity) Act 2015

- Presumption of capacity
- Functional assessment
  - > Understand
  - > Retain
  - > Use or weigh up
  - > Communicate



- 1. ADMCA 2015
- 2. Numbers
- 3. Conclusions

# **2018**

17,000 psychiatry admissions

650,900 medical admissions

27,000 people in nursing homes

Medical and surgical inpatients (n=300)

**Full capacity** 

**Partial capacity** 

Lack capacity





doi: 10.1093/qjmed/hcy219 Advance Access Publication Date: 5 October 2018 Original paper

### ORIGINAL PAPER

Who can decide? Prevalence of mental incapacity for treatment decisions in medical and surgical hospital inpatients in Ireland

R. Murphy<sup>1</sup>, S. Fleming<sup>2</sup>, A. Curley<sup>1,3</sup>, R.M. Duffy<sup>1,4</sup> and B.D. Kelly<sup>1</sup>

From the <sup>3</sup>Department of Psychiatry, Trinity College Dublin, Trinity Centre for Health Sciences, Tallaght University Hospital, Dublin D24 NROA, Ireland, <sup>3</sup>Department of Medicine, Midland Regional Hospital, Portlaoise, County Laois R32 RW61, Ireland, <sup>3</sup>Department of Psychiatry, Crosslanes, Drogheda, County Louth A92 TG3R, Ireland and <sup>4</sup>Department of Adult Psychiatry, Mater Misericordiae University Hospital, Dublin D07 YHSR, Ireland

# **Full capacity**

**Partial capacity** 

Lack capacity

Medical and surgical inpatients (n=300)

Ruth Murphy





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Medical and surgical inpatients (n=300)

Ruth Murphy

**Full capacity** 

71%

**Partial capacity** 

2%

Lack capacity

28%





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Medical and surgical inpatients (n=300)

Ruth Murphy

Psychiatry inpatients (n=215)

Aoife Curley

**Full capacity** 

Partial capacity

Lack capacity

**71%** 

2%

**28%** 



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Medical and Psychiatry surgical inpatients inpatients (n=215) (n=300)

Ruth Murphy Aoife Curley

**Full capacity** 

**71%** 

**47%** 

**Partial capacity** 

2%

51%

Lack capacity

older, unmarried, not working outside home, more diagnoses

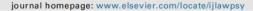
8% 2%

involuntary, non-Irish, unemployed, older



Contents lists available at ScienceDirect

## International Journal of Law and Psychiatry





Categorical mental capacity for treatment decisions among psychiatry inpatients in Ireland



Aoife Curley<sup>a,\*</sup>, Ruth Murphy<sup>a</sup>, Róisín Plunkett<sup>b</sup>, Brendan D. Kelly<sup>a</sup>

Voluntary Involuntary n=176 n=39

**Full capacity** 

**Partial capacity** 

Lack capacity

<sup>&</sup>lt;sup>a</sup> Department of Psychiatry, Trinity College Dublin, Trinity Centre for Health Sciences, Tallaght University Hospital, Dublin 24 D24 NROA, Ireland

b Department of Liaison Psychiatry, Beaumont Hospital, Beaumont Road, Dublin 9 D09 A0KH, Ireland



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Categorical mental capacity for treatment decisions among psychiatry inpatients in Ireland



Aoife Curley<sup>a,\*</sup>, Ruth Murphy<sup>a</sup>, Róisín Plunkett<sup>b</sup>, Brendan D. Kelly<sup>a</sup>

Voluntary	Involuntary
n=176	n=39

Full capacity 58%

Partial capacity 40%

Lack capacity 2%

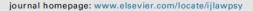
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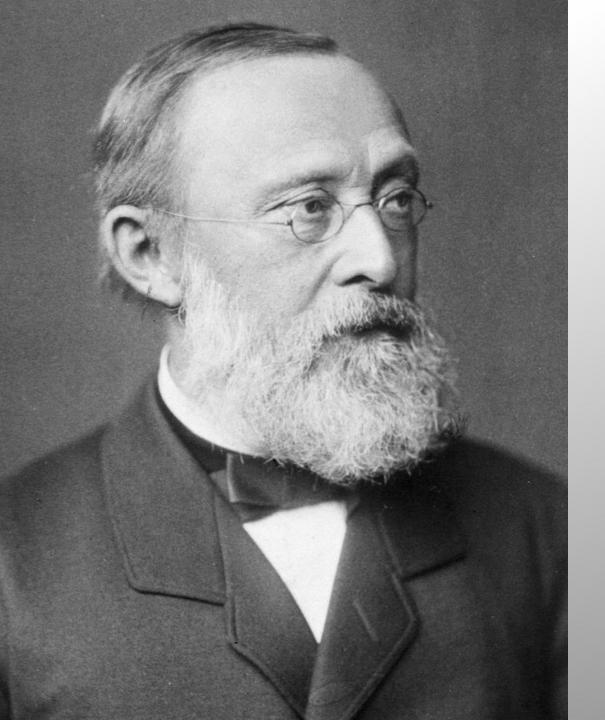
Aoife Curley<sup>a,\*</sup>, Ruth Murphy<sup>a</sup>, Róisín Plunkett<sup>b</sup>, Brendan D. Kelly<sup>a</sup>

	Voluntary n=176	Involuntary n=39
Full capacity	58%	0%
Partial capacity	40%	100%
Lack capacity	2%	0%

<sup>&</sup>lt;sup>a</sup> Department of Psychiatry, Trinity College Dublin, Trinity Centre for Health Sciences, Tallaght University Hospital, Dublin 24 D24 NROA, Ireland

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- 1. ADMCA 2015
- 2. Numbers
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"Medicine is a social science, and politics nothing but medicine at a larger scale"

Rudolf Virchow (1821-1902)



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Mental Illness, Human Rights and the Law

Brendan D. Kelly