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Evaluation of competency: ethical considerations for neuropsychologists.

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The assessment of decision-making capacity is an essential element of competency determinations. As experts in the assessment of human cognitive abilities, neuropsychologists may be the best adjudicators of competency. However, to maximize the contribution of neuropsychology to the courts in the determination of competency, clinicians must be aware of the professional controversies and ethical challenges inherent in the assessment of decision-making capacity and the determination of competence. Professional controversies include the lack of established methodological and procedural guidelines for capacity evaluations and the application of variable criteria to establish impairment. Ethical challenges include balancing the need to respect the individual's freedom of choice and self-determination with the need to promote the individual's safety; attaining professional competence; and selecting, using, and interpreting assessment methods appropriately. The purpose of this article is to examine these issues in the context of neuropsychological practice.