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**COMMUNICATIONS WITH FAMILY MEMBERS PRESENT**

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**Questions**

- A. If a patient has a family member or friend in the exam room, triage area, or pre-op/post-op room with him/her, can we assume that it is implied that the patient wants that person there during the interviewing process?
- B. If we cannot assume the patient's implied consent, then how should we go about getting the patient's consent?
- C. Do we need to write something in the patient's chart indicating that the patient has allowed this other person to be present during the conversation?

**General.**

The patient should be asked if he/she wants the person present during the interview, with a brief preview as to the topics to be discussed. Discussions of highly confidential information (e.g. HIV, mental health, genetic testing) are more sensitive and receive greater protection under the law. On the patient's approval, invite the family/friend back in the room.

**Answers**

We should not assume a patient's consent to have a visitor/family member present during patient-provider communications. So here are four steps to follow to ensure that we protect our patients' privacy:

1. Ask the visitor(s) to step outside the room or away from the area where the conversation will take place (e.g. triage area);
2. Ask the patient if he/she wants the visitor(s) or friend(s) to be present during the interview. Be sure to give a preview of the topics to be discussed. If "highly confidential information" will be discussed, then be sure to notify the patient of the specific topic such as HIV, mental health, genetic testing, etc;
3. After the patient has given permission, you may invite the family member(s)/friend(s) back into the room/area; and
4. Document in the patient's medical record that the patient gave permission for a visitor or visitors to be present.

Please contact the HIPAA Program Office at 4-9716, if you have any questions.