The inclusion of a witness signature on the informed consent document is an important part of a physician’s malpractice defense. Below is advice on how to use Medical Mutual’s consent forms to document the role of a witness.

Who is a witness?
A witness is someone who is physically present when the provider discusses the recommended treatment or procedure with the patient.

What is the Role of the Witness?
A witness observes the informed consent process that includes the communication between the patient and provider. The witness signs his or her name to indicate that the patient:

- heard the information given and has read the entire consent form,
- understood the information presented,
- was allowed to ask any questions, and
- has adequately had their questions answered.

Who Should Serve as a Witness to the Informed Consent Process?
Ideally, the witness should be someone who has accompanied the patient to the practice, and has been present when the provider discusses the recommended treatment or procedure with the patient.

Who Should Serve as a Witness if the Patient Came to the Practice Alone?
Medical Mutual does not recommend that a staff member of the practice serve as the witness. However, if the patient came to the practice alone, then a staff member can sign this form if he or she is present for the informed consent discussion.

Why do we Recommend a Witness to the Physician Signature?
Each of our consent forms provides a witness line below the physician signature line. This person not only attests that the patient understood the information, or that they were present in the room during the informed consent discussion, but also attests the signature is that of the physician/provider who reviewed the consent material with the patient.
INTERPRETERS AND INFORMED CONSENT

A practice may need to have an interpreter present to carry out an informed consent discussion between a patient and a provider. This may happen when the patient and provider do not speak the same language, or when it would be helpful to have someone facilitate the discussion in sign language. If an interpreter assists the provider in communicating with the patient, then Medical Mutual recommends adding the Interpreter Attestation below to the end of the consent form.

**Interpreter Attestation (when applicable)**

Interpretation has been provided by:

______________________________
Printed Name of Interpreter

______________________________
Signature of Interpreter

If a language line is used to carry out the informed consent process or if the interpreter is not physically present, then additional information should be documented in the patient’s medical record. This information includes:

- the name of the company who provided the service,
- the name of the interpreter, and
- the date and time when the informed consent discussion took place

A final way to document that an interpreter assisted the provider in communication with the patient would be to use a separate consent form designed for this situation. Medical Mutual has developed a consent form for this purpose. It can be found on the website.