



Géaroibríochtaí
Aonad 4A, Áras Dargan, An Ceantar Theas, An Bóthar
Míleata Cill Mhaighneann, Baile Átha Cliath 8

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Date: 24/07/2020

Deputy Gary Gannon TD
Dáil Éireann
Leinster House
Dublin 2

PQ No. 24403/20

To ask the Minister for Health if the practice within emergency department units for next of kin or a chosen person to act on behalf of patients will be reinstated (details supplied); if a timeframe will be given for the reinstatement of same; and if he will make a statement on the matter. -Gary Gannon

Dear Deputy Gannon,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I have examined the matter and the following outlines the position.

Response:

The HSE has not made any formal changes to policies associated with gathering information on or consulting with “next of kin” in its Emergency Departments or other health services. The HSE’s National Consent Policy and the Medical Council Code of Professional Conduct recognise the critical role family and trusted friends play in the lives of people who are hospitalised. The HSE understands the importance, particularly for persons with reduced capacity, to allow family members accompany a person to hospital to assist in what ways they can.

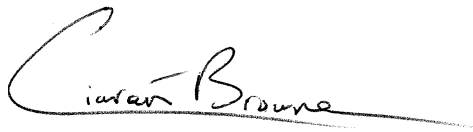
You will be aware from recent publications by Sage (<https://www.sageadvocacy.ie/news/2018/march/next-of-kin-have-no-legal-standing>) and other sources that “next of kin” is not a formal legal term. The Assisted Decision Making Act intends to introduce co-decision makers as a legal concept to provide legal certainty to patients and staff about who can and should be involved in decision making about a patient’s care. The HSE is progressing implementation of this Act through a range of preparation and educational activities across staff.

During COVID, a number of visitor restrictions were introduced for the health and safety of both patients and staff. These restrictions were made across many health services and not just in emergency departments.

As health services resume and introduce restrictions relevant to the service involved and the level of COVID, measures to restrict accompanying visitors will only be introduced where necessary.

Please be aware that the HSE understands the role and importance of people who accompany patients to hospital. The HSE is also looking at its current visiting policy to introduce special visitor passes to allow a more flexible approach to visiting patient's in vulnerable circumstances.

Yours sincerely,

A handwritten signature in black ink that reads "Ciaran Browne". The signature is written in a cursive style with a long horizontal line extending to the right.

Dr. Ciaran Browne

Acute Hospitals Operations