

Advance Authorization For Medical Emergencies

By Robert Maclay

Maybe you've experienced this yourself or know someone who has, but it's a situation that's an all too common occurrence. Your child or other family member has been rushed to the hospital, you are desperate to find out his or her condition – and no one will tell you anything because of the privacy laws. It doesn't matter if it's a college age child or elderly parent; no amount of pleading or threats will get you the information you want.

Here's the good news: with a little advance planning, this scenario can be absolutely avoided. You are probably familiar with HIPAA, the Health Insurance Portability and Accountability Act, which was implemented in 1996. It controls the flow of patient information, or protected health information (PHI), to only those persons or entities authorized to receive it. Doctors, nurses, hospitals and other healthcare-related entities that come into possession of PHI are required by law to preserve its privacy and disclose it only to authorized persons or entities. And there are significant penalties for unauthorized disclosures of PHI.

All you need to do to eliminate the problem is complete a basic HIPAA Authorization form ; it requires no notary and authorizes a health care provider to communicate with family members of the patient. It allows for the disclosure of protected health information to immediate family members, to the estate planning attorney and to any agent acting under a Financial Power of Attorney or Advance Medical Directive. The privacy roadblocks that arise when your children or parents are in the hospital can be easily prevented by having them sign a HIPAA Authorization form well in advance. It's a good idea to keep a copy of these forms with your other important papers so that you can produce them in the event of a medical emergency.

On a related note, it's also advisable that your college age child sign a health care power of attorney that grants you the right to make medical decisions on that child's behalf. If your children have reached the age of majority, you may be prevented from making medical decisions on their behalf, notwithstanding that you are the parent and perhaps the most appropriate person to do so. Similarly, you should urge your parents to execute health care powers of attorney to empower you to handle their health care needs when the time comes.