

The Newsletter

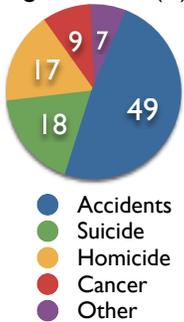
Faucher & Associates

Not Just for Aging Parents and the Elderly

Why Medical Power-of-Attorney Can Be Critical for ‘Kids’ Over 18

Don't worry about that sling I'm wearing in the picture. I'm fine, but I put it on as a reminder that accidents and other unforeseen injuries and illnesses happen. That's why having a medical power-of-attorney (POA) can be so important if you have a child who has reached legal adulthood (age 18) and is still your dependent. Many of us have medical POAs for aging parents, but what about your adult child – maybe a new college student like mine?

Leading Causes of Death, Americans Age 10 to 24 (%)



The same issues that make medical POAs imperative in managing the healthcare of an elderly parent facing a medical emergency come into play if your adult college student faces a medical emergency. **The medical POA – also known as the Advanced Directive – gives you medical decision-making power if your parent (or adult child) is unable to make his or her own medical decisions.**

Healthcare providers are actually prohibited by law (the Health Insurance Portability and Accountability Act, or HIPAA) from sharing most medical information without the patient's consent, even if that patient is your child.

You can see where this could present some serious problems. If your adult child is unconscious, God forbid, he or she can't give consent for care. But with a medical POA, your child has previously delegated medical decision-making authority to you in the event of his or her impairment. Your child has also given permission to healthcare providers to share all information about their condition and possible treatments with you.

So here's what happened to some acquaintances who did not have a medical POA for their son. He went off to college and, during his sophomore year, got into a motorcycle accident that left him with significant brain injuries. In the immediate aftermath of the accident, when the boy was not cognitively or physically up to making important, life-altering decisions about his treatment, his parents had no say in those decisions. As a legal adult, their son was covered by HIPAA rules protecting his medical privacy. HIPAA legally prevented the son's doctors and hospital from sharing critical information about his condition and treatment options – even with his parents. The son made some bad decisions, the consequences of which still affect him medically today, three years after his accident, and likely will impact his health for the rest of his life. **If the parents had had a medical POA, then they could have made decisions about their son's medical treatment.**

The lesson? It's as important to pack a medical POA for your college-bound child as it is a trunk-load of supplies from Bed, Bath & Beyond. Our kids may be adults in the eyes of the law, but they're still our kids, especially in an emergency.

Photo redacted for copyright issues

THE FAQ FILE: DO ALL MEDICAL POAs LOOK THE SAME?

A medical power-of-attorney is not the same in all states. The document shares features regardless of where your child attends college: All such forms identify events that cause the power to come into effect (such as incapacity).

However, in Texas, I had to add a disclosure statement telling the patient what the document means, while general health care instructions (“let me die without pain”) were necessary for the medical POA I drew up for one of my daughter's friends staying in California. If your child is 18 or older and still your financial dependent, give us a call. As always, more about this and related matters can be found at:

johndfaucher.com

To opt out of receiving our newsletter, just let us know:

818-889-8080

WELCOME TO FAUCHER & ASSOCIATES

John D. Faucher

worked for 10 years as an IRS trial attorney. He and his team speak the legal language. They know the **tax and bankruptcy** systems and can help you get the best results. Have other legal issues? Call us. We'll find the lawyer who's right for you, your friends or family.

818-889-8080

johndfaucher.com

Beyond Bed & Bath Supplies for Your College Kids Consider A Medical Power-of-Attorney



Summer vacations are now a memory rather than a pleasant anticipation. Dusk comes earlier, as does tea time, and my daughters are back in school.

Indeed, my wife and I experienced a milestone this month: We sent our older daughter, Sophie, off to college (Rice University in Houston) for the first time. Many of you may also have sent a child to college, often after some inevitable back-to-school shopping.

But did you consider getting medical power-of-attorney for your students who are over 18, but not yet financially independent?

In this issue of The Newsletter, you'll find out how this legal directive can help, along with a cautionary tale about a family that didn't have one.

Joe Client
456 Maple Street
Santa Barbara, CA 93103

JOHNDFAUCHER.COM

FAUCHER & ASSOCIATES
5743 CORSA AVENUE, SUITE 116
WESTLAKE VILLAGE, CA 91362