



Economic and Market Insights

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Mid-Semester Report Card: Did Your College Student Sign a Healthcare Power of Attorney?

Your 18-year-old daughter was knocked unconscious at an intramural soccer game at State U. The ambulance takes her to the local campus Emergency Room where she cannot answer any questions at this point. You get a text from her friends that your daughter is “hurt” and you call the hospital to see what’s going on. The switchboard operator gets you to the ER attendant, who promptly tells you they can’t acknowledge anyone’s admittance much less disclose anyone’s condition due to privacy laws. Decisions about your daughter’s immediate care are now going to be made without you in a city hundreds of miles away.

What could you have done better before this event occurred? Bruce Talen, general counsel at The Commerce Trust Company, gives you some practical steps in avoiding the scenario above.

Q. What steps could parents and students take to avoid a medical emergency like this?

A. A big percentage of parents and students miss the opportunity to establish a Durable Power of Attorney for Healthcare and Healthcare Directive. Most people don’t automatically think of the concept for younger people as they might for themselves or for an older adult. People tend to overlook its benefits for a college student, even though the student has turned 18 and is now an adult.



Q. Don't I need an attorney for the paperwork?

A. You can download the basic form off the state bar association of any state and complete the form yourself. While it's best to have an experienced attorney-at-law to consult with in these matters, especially for other estate planning documents, you don't need a lawyer to put this form into effect.

Q. What are the key parts of the form?

A. Your child will likely want to specify that you and your spouse are named "agent" so you can make decisions for your child if he or she lacks "capacity" (competence to reason and deliberate) to make or communicate them in the future. If you have a family relative closer to campus, you may want to also add them as alternates. Put signed copies on file with your primary health care provider, one in a safety deposit box and some in the glove compartment of your children's car if they have one on campus.

Q. What about a Healthcare Directive?

A. That's generally part of the same form. Here the child can specify his or her wishes in advance about life-prolonging procedures if found to be persistently unconscious or at the end-stage of a serious incapacitating or terminal illness. This document also provides guidance and support to your Healthcare Power of Attorney agent in case of emergency.

Q. My child is spending some of the semester in a foreign country – are there any special considerations there for school-sponsored travel?

A. Make sure your child has health insurance in force. If they are covered under your employer's healthcare plan, verify the school has the waiver you submitted to the institution earlier in the semester on file. You may want to call your insurance provider to make sure the healthcare insurance is in force in other countries.

Q. What else can school families do?

A. Communicating the importance of these matters to young adults can be challenging, but it is worth making every effort. For instance, parents should also fill out the HIPAA Privacy Authorization form, which authorizes disclosure of protected health information on your



son and daughter to you if needed. This would include matters involving alcohol or drug abuse treatment, mental health records and communicable diseases like HIV and AIDS. Remember the child has to sign the form as well. You can obtain this document on state bar association web sites.

Finally, you might use this moment to broach other sensitive topics. For instance, one consideration is making sure everyone's healthcare directive on the back of the driver's license is up to date. Call your family attorney or find one experienced in these matters by calling the Bar Association to help you determine the documentation that needs to be in place.

**Always consult with your CPA and professional advisor on matters involving income taxes.*

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