

## Worksheet for **Power of Attorney, Health Care Directive and HIPAA**

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Client Name (first/mi/last): \_\_\_\_\_

Address: \_\_\_\_\_

Phone Numbers: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_ Date of Marriage: \_\_\_\_\_

### **Power of Attorney**

A legal document giving one person (called an "agent" or "attorney-in-fact") the power to act for another person (the principal). The agent can have broad legal authority or limited authority to make legal decisions about the principal's property and finance. The power of attorney is frequently used in the event of a principal's illness or disability, or when the principal can't be present to sign necessary legal documents for financial transactions. List additional Attorneys-in-Fact on a separate sheet, if any.

Attorney(s)-in-Fact:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

### **Health Care Directive**

A health care agent is a person you choose in advance to make health care decisions for you in the event that you become unable to do so. A health care agent can help make medical decisions on your behalf at the end of life or any other time you are not able to communicate, such as if you are severely injured in an accident. In general, a health care agent can agree to or refuse treatment and can withdraw treatment on your behalf. List additional Health Care Agents on a separate sheet, if any.

Health Care Agent(s):

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Phone #s: \_\_\_\_\_ Phone #s: \_\_\_\_\_

### **HIPAA**

A document signed and dated by an individual who authorizes use and disclosure of protected health information (PHI). A HIPAA Representative is a person named by an individual granting authority to have access to the patient's PHI. For example, a patient may want someone to assist in billing questions, to book appointments on their behalf or to be appraised of their health status. The form assures that there is a record of the patient's wishes in this regard and information can be shared in accordance with that request. List additional HIPAA Representatives on a separate sheet, if any.

HIPAA Representative(s):

Name: \_\_\_\_\_ Name: \_\_\_\_\_

# Who needs a Power of Attorney, Health Care Directive, and HIPAA?

## Everyone over 18 years old.

Consider these situations:

**Young college student:** Imagine your 19-year old college freshman gets severely ill while away at school. He is unconscious for 36 hours. The doctors cannot talk to you or share his medical information because he is legally an adult (an individual 18 years and older), and he has no Health Care Directive or HIPAA. Because he is unconscious, he is not able to give permission for the doctors to talk to you. You are not allowed to make medical care or treatment decisions for him. The doctors certainly would like to update you but their hands are tied.

**SOLUTION:** Every high school and college student over 18 years old should have a Health Care Directive and HIPAA. They should also have a Power of Attorney.

**Young married couple:** Imagine you and your spouse are 30 years old with young children. One of you is in a car accident and has to be rushed into life-saving surgery. The accident spouse will be in the hospital for a week afterwards. The hospital staff cannot talk to you or share your spouse's medical information because your spouse is an adult and has no Health Care Directive or HIPAA. Additionally, you were supposed to close on buying your first home the day after the accident. Your interest rate lock on the home loan will expire if you cannot close tomorrow.

**SOLUTION:** Every young adult, including married people, should have a Power of Attorney, Health Care Directive, and HIPAA. The Power of Attorney would allow you to complete the house closing (you could sign papers on your spouse's behalf), and the Health Care Directive and HIPAA would allow you to receive your spouse's medical information and make treatment decisions for him.

**Older married couple:** Imagine you and your spouse are "snowbirds" spending the winter in a southern state. One of you has a stroke and is hospitalized. The doctors and hospital staff refuse to speak with you about your spouse's condition because there is no Health Care Directive or HIPAA giving such permission.

**SOLUTION:** Everyone should have a Power of Attorney, Health Care Directive, and HIPAA. You should give copies of your Health Care Directive and HIPAA to your named agents, your primary doctor, and your primary hospital. They can then share those documents electronically or via fax with other health care providers, even out of state.

**Elderly senior adult in assisted living:** Imagine your health is failing, and even your memory a little bit. You move into assisted living. Despite careful management of your finances your entire life, you now find balancing your checkbook confusing and realize you need your children to help you with your banking and finances. You also want them to attend medical appointments and call your doctor with questions or clarifications for the doctor's instructions. However, the doctor cannot talk to your children, and the bank has suggested putting your child's name on the accounts as co-owner with you so that the bank can talk to the child about your accounts.

**SOLUTION:** Every adult should have a Power of Attorney, Health Care Directive, and HIPAA. You can have peace of mind knowing the people you have chosen to act for you under these documents can help you take care of your financial and health concerns. You should not put your child as co-owner of your bank accounts without talking to an attorney about the ramifications of that decision.