



3 Legal Documents Caregivers Need to Manage a Senior's Healthcare

Marlo Sollitto

When it comes to a parent or spouse's healthcare, the law is very strict about who can receive status updates, participate in conversations with medical professionals and make medical decisions. These policies are meant to protect our sensitive information, but they can also pose serious problems for family caregivers.

There are ways to access to a loved one's medical records and obtain the ability to make decisions on their behalf, but these legal permissions must be established before they are needed for them to be most effective.

Unfortunately, many families do not realize that any special paperwork is required for them to participate in a loved one's care, and the consequences of being unprepared can be very stressful for everyone involved.

You might be barred from accessing vital medical information or unable to direct your loved one's care if they cannot make their own decisions. In a worst-case scenario, you may need to go to court and petition for guardianship to obtain these legal powers. Fortunately, families can avoid this time-consuming and expensive scenario by working together to prepare three necessary legal documents that will enable them to make critical care decisions.

1. HIPAA Authorization Form

The Health Information Portability and Accountability Act (HIPAA) provides legal standards for keeping a person's health information and records private. This means it is illegal for medical professionals to

share any details about your care recipient's health unless they gave their written consent for you to receive this sensitive information. HIPAA authorization is a simple yet important document for family caregivers. It authorizes the doctor to keep approved family members in the loop regarding a loved one's medical status. This form only takes a moment to complete, and every doctor's office should have blank ones on hand for patients. All you need to do is request that your loved one grants you access to their healthcare information by filling out this form.

2. **Power of Attorney**

Also known as a medical power of attorney (POA) or a health care proxy document, a medical POA is a legal document that enables a person (called the "principal") to appoint a trusted relative or friend (called the "agent") to handle specific healthcare decisions on their behalf.

While HIPAA authorization only grants a caregiver access to information, a medical POA document grants this access as well as the ability to make medical decisions for their care recipient. This document is crucial because it gives a trusted person the power to manage a loved one's healthcare in the event they become incapacitated. There is a catch, though. This document must be prepared while a person is still mentally competent to grant an agent these powers.

It is important for the principal to trust that their agent understands their healthcare goals and will act in their best interest. This is where the next legal document comes into play.

3. **Advance Health Care Directive**

This document is commonly referred to as a living will. An **advance health care directive** lets people record their wishes for end-of-life care before a medical crisis strikes. With a living will, a person's loved ones don't have to agonize over difficult medical decisions. This document essentially spells out instructions for a medical POA to follow when making end-of-life care decisions. A living will may indicate specific

treatments a person does or does not want performed under certain circumstances. At the very least, the document should specify whether resuscitation should be attempted if breathing stops, whether artificial life support should be used and whether a feeding tube should be inserted.

Preparation is Crucial

Once a healthcare emergency strikes, it is usually too late to prepare these documents. To avoid unnecessary stress and confusion, talk to your family members about getting their affairs in order. It is important for all adults to discuss their personal wishes with loved ones while they are still healthy.

An elder law attorney can discuss individual questions and concerns, prepare these legal documents, and provide advice on additional legal planning tools that may be useful for your family's circumstances.

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1551 E. Cypress Ave ST B | Redding, CA 96002
Ph: 530-232-5543 | www.shiningcare.org