RIGHTS DURING EMERGENCY SITUATIONS

As your student turns 18, you may be wondering how you can be notified in the event of a medical emergency

Let's look at a common scenario that many parents of a young adult with T1D worry about to help you better understand what legal documents you may need in the case of an emergency.

Scenario

While away at school, your young adult comes down with the flu, causing them to develop ketones and go into DKA. They are then brought to the emergency room. You want to be able to call the doctor to find out their medical status and get information about their care. Because your child is over the age of 18, the doctor is unable to give you information about your student because of HIPAA (a federal law that protects patients' privacy).

In this case, it may be useful to implement a **HIPAA Right of Access Document**, which allows your young adult to decide who has access to their protected health information. If your young adult names you (their parent/caregiver) on the HIPAA Right of Access form, you would be able to speak with your child's doctor about their condition and treatment.

Some of the common rights of access your child may want to grant you can include the ability to: make or change medical appointments; order medical supplies; pick up lab reports; allow you to speak to medical providers in case of an emergency; discuss your child's treatment and management options with their doctor; and be present during appointments or medical consultations. A HIPAA Right of Access document also

The legal decision of how and to whom your students' medical decisions and history is shared is personal and unique to each individual situation. Ultimately, this decision can only be made by your young adult. Your child's personality, maturity level, comfort with leaving home, and other medical conditions could all be factors in their decision as to what and how much of their medical information they would like to share with you once they turn 18. While this can be a challenging decision, and certainly one that many T1D parents are highly anxious about, allow your child the freedom *(and the time)* to make an informed decision about sharing their medical information with you moving forward.

allows your child to exclude access to certain sensitive medical information, such as mental health or sexual health information.

It is important to note that the HIPAA Right of Access form DOES NOT give anyone appointed the power to make medical decisions. So, in the case that your child is in the hospital because of DKA, you would be able to have as much access to your students' health information as they would like, but you would not be able to actively make medical decisions on their behalf.

Another legal option that many parents may think to implement in this type of situation is a **Medical Power of Attorney** (which may be called something slightly different depending on each state). A Medical Power of Attorney is essentially a legal document that allows an individual to select who they would want to make medical decisions for them if they are unconscious and unable to make the decision themselves.

It is important to note that if your child does end up in in any kind of life-threatening situation, healthcare providers will do whatever it takes to keep them alive because they are so young. Therefore, a Medical Power of Attorney may not be necessary unless your child has specific requests for medical procedures or care that they do not want to be carried out on them (for example, being put on life support).

Keep in mind that a Medical Power of Attorney requires your child to think about end of life treatments (no food, no resuscitation, etc.) and typically is not in effect until incapacitation occurs. In most situations, parents find that implementing a Medical Power of Attorney may not be the appropriate legal document for their needs at this time. For the caregiver who is hoping to remain involved in their young adult's diabetes management, a HIPAA Right of Access form is often sufficient.