

# Protecting A Child's Special Needs

by Nadine O. Vogel

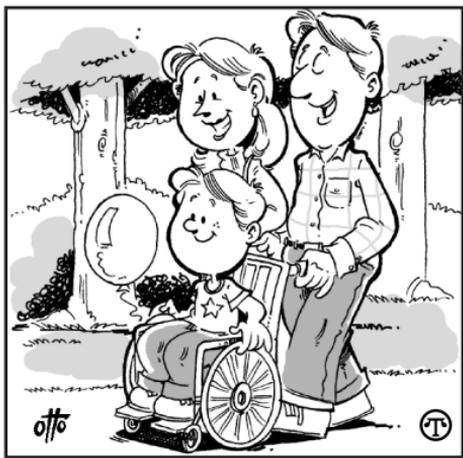
(NAPSA)—New health care privacy regulations may not be just what the doctor ordered for tens of thousands of patients. That's the news from experts who say the Health Insurance Portability and Accountability Act (HIPAA) may be doing some patients more harm than good.

HIPAA is designed to protect the privacy of patients and their medical records by limiting the people with whom doctors are allowed to share patient information, if a patient is over 18. Opponents of HIPAA say the act can negatively impact care received by patients with special needs. They cite cases such as that of a Maryland couple with an adult child who has mental retardation. He is high functioning, has a job and his own apartment and takes public transportation. However, he does not always understand medical terms or treatment options and sometimes needs his parents to explain medical issues and treatments to him.

HIPAA does not permit the parents to get this information from their son's doctors—and could, therefore, affect his health care.

Fortunately there are steps parents can take to help avoid HIPAA issues—but it's important to act as soon as you realize your child or dependent may need your help. According to MetLife's Division of Estate Planning for Special Kids, parents have three options: Release forms, power of attorney and guardianship. Here's a breakdown:

- **Release Forms**—Release forms are a relatively nonintrusive way for parents to gain access to vital medical information without infringing on their child's independence. However, in many cases, the forms are only valid for a period of one year and must be filed with each physician and medical institution.



**There are ways parents can help ensure a child with special needs gets the best health care possible.**

- **Power of Attorney**—By obtaining a power of attorney, a parent can make certain decisions on behalf of the child. It is a legal document drawn up by an attorney and is valid until revoked. Parents who choose to go this route should have an independent expert evaluate and certify that the person signing the document understands and agrees with what it outlines.

- **Guardianship**—To obtain legal guardianship of an adult individual, parents need to go to court and have the person declared mentally incompetent. In some instances, parents may seek a limited guardianship for medical care, which grants them the legal right to make these decisions. Often parents opt for a full guardianship only as a last resort.

For more information visit [www.metlife.com/desk](http://www.metlife.com/desk).

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