



## **WHAT PARENTS/GUARDIANS NEED TO KNOW WHEN THEIR CHILD TURNS 18 YEARS OLD**

Turning 18 is a big deal, not just from a parent's emotional perspective, but legally, too. It is natural for you to get sentimental when kids turn 18, but this milestone carries profound legal implications in many arenas of life, as well as in our Practice. The same federal privacy laws that protect you as an adult parent/guardian now protect your young adult child. Ensuring strong privacy protections is critical to maintaining an individuals' trust in their behavioral health care providers and the willingness to obtain needed health care services, and these protections are especially important where extremely sensitive information is concerned, such as mental health information. Please have candid conversations with your child about how medical privacy changes after their 18th birthday and have the necessary authorization forms signed so that in the event of an emergency, or in the case of routine coordination of care, important behavioral health information can be released to you.

### **HIPAA Applies Even If Your Kids Are Still on Your Insurance**

Medical privacy can seem complex to navigate in today's healthcare insurance landscape. HIPAA keeps medical information private after an individual turns 18, but many young adults remain on their parents' health insurance plans until they are 25. Parents need to realize that though you still carry an 18-year-old on their insurance and pay the bills for your child's medical care, parents/guardians are not automatically granted the medical information pertaining to that adult child. If young adults are still on your insurance, then you, as the parent/guardian, can obtain information about testing and treatment through your insurance company, but there may be delays in getting this information this way and this would not be helpful in an emergency.

### **Adult Children Can Sign A HIPAA Release and Appoint Medical Power Of Attorney**

While no parent wants to imagine their children being involved in a behavioral health or medical emergency, we suggest planning for worst-case scenarios by having your adult child sign our *Authorization to Release Confidential Information* form indicating specific areas in which they want their behavioral health and/or medical team to coordinate care. These documents can allow providers to release and share information with parents and guardians in an emergency, as well as during routine care, if indicated. And because these can vary by state, and by campus, parents of college students might need to talk to their kids about extra forms they will need to sign.

Open and honest conversations are recommended to navigate young adults wanting to maintain a sense of privacy while still allowing parents/guardians to make behavioral health and medical decisions, if needed. Having both parent and adult child sign authorization forms can allow parents/guardians the right to intervene and have a say in what happens in the case of an emergency. Keep in mind, even if your adult child is unconscious, absent a written authorization, HIPAA can block parents' access to behavioral and healthcare information.

### **HIPAA Release (aka Authorization to Release Confidential Information)**

This allows us behavioral health care providers to release and share indicated information with parents/guardians. Without having one signed, our Practice will refuse to discuss the adult child's condition with anyone, unless it is in the adult child's best interest. Young adults who sign this form can specify what information is released and can prevent some information from being disclosed. For example, they can choose to only allow parents to receive information about scheduling appointments and not allow other information to be released. Additionally, if your child is going off to college, it is a good idea to check in with the campus behavioral health and medical health center to see if there are any additional forms you need to sign.

### **Medical Power of Attorney**

A medical power of attorney will allow your young adult child to appoint an agent to make medical decisions on their behalf. Different states have different laws and, thus, different forms. Also, states have varying laws on whether these power of attorney forms need to be notarized or signed by witnesses, so make sure you check.

### **When Medical Providers Can Release Information Despite HIPAA**

In some situations, a behavioral health or medical provider can choose to disclose information to a family member even if a HIPAA release form has not been signed. This happens when, in the provider's professional judgment, releasing the information is in the patient's best interest. However, our providers often err on the side of patient privacy, especially if they do not know the parents. Other exceptions that allow patient's records to be released without their consent include if a provider feels there are signs of abuse and/or negligence and if a patient may cause themselves harm and/or if the patient may cause harm to others.

### **Conclusion**

If you have questions about what happens and what changes when your child turns 18 years old, please call our Patient Care Team and talk to your child's provider (before they turn 18). Remember that the best way to assure quality and ethical treatment is to keep communication open and direct with your clinician.