

Powers of Attorney — Protecting Your Interests, When You Can't

You may think that assigning power of attorney to someone in your life is important only when you're in poor health or elderly. As a matter of fact, this legal instrument can be vital to protecting your legal, financial, and medical interests at any time, should you become incapacitated on a temporary or permanent basis.

When you assign an individual power of attorney, you give that person (usually referred to as an "agent" or "attorney-in-fact") the authority to act for you. When you've executed a "durable" power of attorney, your agent can act on your behalf, even when you become incapacitated, or otherwise unable to administer your affairs. It would typically remain in place until it is revoked by you or upon your death.

In general, a durable power of attorney grants your agent the authority to act for you in legal, business, and other matters. To give an individual the ability to make health care-related decisions on your behalf, you'll want to consider a medical durable power of attorney and an advanced medical directive (a document that enables you to convey your decisions about end-of-life care).

Medical durable powers of attorney and advanced medical directives serve a vital purpose, as they allow you to appoint someone to express your wishes about the type and extent of health care you wish to receive should you become seriously ill or injured and cannot speak for yourself.

While establishing a medical durable power of attorney and advanced medical directive will require some effort on your part, the time you invest to establish these legal documents will be well worth it, for both you and your family.

How HIPAA Affects Your Medical Power of Attorney

According to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), health care providers must limit the disclosure of health information only to those who are intended to receive it. In other words, your personal health care information cannot be released to any unauthorized person. While this federal law is important to ensuring your confidentiality regarding medical issues, it also prohibits you from obtaining medical records for your spouse or parent or vice-versa.

For example, let's say that your mother is severely diabetic and falls into a coma. To make sure she gets appropriate medical care while she is hospitalized, you'll need health care information from her personal physician. HIPAA regulations, however, prohibit you from accessing this data-known as Protected Health Information-without your mother's specific written authorization.

To avoid this problem, it's important that a medical power of attorney or other written authorization specifically states that PHI can be shared with the individual who's been assigned power of attorney. That way, any health care provider reviewing the power of attorney can be assured that he or she will not be in breach of HIPAA privacy rules, and subject to related fines, if your health care information needs to be shared with your named representative. To learn more about HIPAA and its rules regarding PHI, visit the Department of Health and Human Services at <http://www.hhs.gov/ocr/privacy/>. You can also view Marathon Privacy Notice at www.MRObenefits.com.

To submit legal documents that be reviewed by a Marathon Oil attorney, mail to:

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