

Glossary College Planning Documents

Statutory Durable Power of Attorney.

Under Texas Estates Code, a Durable Power of Attorney is a written document that enables the person executing the document (the principal) to designate another person (the attorney-in-fact or agent) to act on the principal's behalf for financial matters. The power of attorney can be effective on the date that the principal signs the document or it can take effect when the principal becomes incapacitated or disabled.

Medical Power of Attorney.

A Medical Power of Attorney allows a person to designate a third party to make health care decisions in the event the event of the person's incapacity. The Medical POA's authority generally begins when a doctor certifies that the individual who executed the Medical Power of Attorney lacks the capacity to make health-care decisions for himself or herself.

HIPAA Authorizations.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) can be read to require an express authorization for disclosure of confidential information about a patient. The use of this separate document can also alleviate concerns that some medical professionals may have about relying upon a medical powers of attorney.

Directive to Physicians.

A legal document, also known as the living will, which directs physicians to administer, withhold or withdraw life-sustaining treatments in the event of a terminal or irreversible condition. Generally speaking, the Directive deals with health care measures that the patient wants imposed should he or she become unable to express his or her desires. Without a signed Directive, the law provides that in the event a patient is incompetent to make a treatment decision, a Court- Appointed Guardian, if any, or agent under the Medical POA has the authority to make the decision.

Family Educational Rights and Privacy ACT (FERPA)

Once a student turns 18, the rights of access to all the student's records (including transcripts, warnings, probation, disciplinary, GPA, and even financial records) transfer to the student. To allow parent access to such information, the student must sign a waiver with the college. This privacy also extends to financial information if that college received federal funding. However, if a parent can prove that the student is a "dependent" on the parent's most recent tax return, the school may disclose such information.