

# Petoskey Ear, Nose and Throat Specialists

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## Patient Requirements regarding Legal Guardians

When a patient comes to our office for services, s/he is required to sign our Encounter Form or Charge Slip which serves multiple purposes:

- It signs him/her into our office so we have a record they were actually here,
- It provides consent for receipt of service(s) (we do require a specific consent for procedures which must, by law, list the potential risks involved so they know what they're agreeing to have done to them),
- It allows us to bill their insurance for the service(s) provided, and
- It is an agreement that they will be financially responsible for any balance due on their account not covered by their insurance.

The person who signs must therefore be the adult patient OR be *legally responsible* for the minor or adult patient in order to be able to sign our form.

In some cases, the patient is *not* legally responsible for their actions and cannot sign our form; someone who is legally responsible for them must sign our form or we cannot provide any services. The most common example is a patient who is a minor – we need the signature of their parent or legal guardian before we can proceed. Sometimes adults have legal guardians and we must treat those patients in the same manner meaning that we cannot provide services without the signature of the legal guardian.

No one can have a legal guardian AND still be responsible for their own actions including the signing of documents. (You could have a Power of Attorney but that is a specific and/or temporary document allocating specific rights which may or may not be applicable to medical care.)

At Petoskey Ear, Nose and Throat Specialists, this is our policy regarding patients who cannot consent to services themselves:

- A parent or legal guardian must sign all forms. The patient may also sign but the parent or legal guardian's signature must be on every form.
- A parent or legal guardian must be physically present at any office appointment *where medical decisions must be made* such as an Initial Consult. It is our strong preference that parents/guardians are present at all office visits and all procedures so they are in the room to hear all discussion which allows them to make informed decisions regarding treatment.
- If a patient with a parent or legal guardian presents without their parent or legal guardian, we must have a "Delegation of Parental Powers" form signed by the responsible party and notarized in order for *any* services to be provided or have official paperwork from DHS or a court order indicating establishment of legal guardianship. In the absence of responsible parties or a signed Delegation form, we will require the appointment(s) to be rescheduled.

Note: Medical expenses are considered "unsecured debt" and have specific legal requirements associated with them regarding collection laws meaning that *only the person who signed can be held responsible for that debt*. This means that, without a Delegation of Parental Power form in place or a court order or other official document indicating guardianship:

- Spouses may not sign for each other unless they are their spouse's legal guardian or the patient is "physically unable" to sign,
- Adult children cannot sign for their parents or grandparents,
- Grandparents, babysitters, aunts or uncles or siblings, etc cannot sign, and
- Foster parents or temporary guardians cannot sign.

**Clarification:** When the patient is a child of divorced parents, Petoskey Ear, Nose and Throat Specialists cannot enter an account guarantor's name or address and anyone *other than the adult who brought the child and signed the paperwork*. If one parent brings the child to the office, even if they have a divorce decree that holds the other parent responsible for all medical bills, payment is expected from the parent physically in our office. We cannot get in the middle of legal issues. We can provide you with receipts to handle outside our office.

Petoskey Ear, Nose and Throat Specialists will do everything we can to ensure we can provide services to all patients in a compassionate and legal manner. Thank you for your understanding.