



Supporting Decisions in Adulthood 2025 Workshop Series

Session #2: Supported Decision-Making in Health Care



Center for Public
Representation



WELCOME

- Center for Public Representation
 - Mona Igram, licensed to practice law in Massachusetts
 - Megan Rusciano, licensed to practice law in Maryland only
 - Morgan Whitlatch, certified to practice law in Massachusetts

Introduction to 3-Part Workshop Series on Supported Decision-Making in:



**Session 1:
Education
January 25**



**Session 2:
Health Care
TODAY**



**Session 3:
Finances
March 29**

Today's Topics



- **Background**
 - What Happens at Age 18?
 - What is Adult Guardianship?
 - Why Think About Other Options First?
 - What is Supported Decision-Making?
- **Supported Decision-Making in Health Care**
 - Practical Examples
 - Tools to Use
 - "HIPAA" Release Form
 - Health Care Proxy

What happens when my child with a disability turns 18?

- In Massachusetts, people become legal adults when they turn 18 years old.
- Under the law, they get to make their own decisions, regardless of whether or not they have a disability



Main Legal Tools for Health Care Decision-Making in Massachusetts

- “HIPAA” Release-of-Information Forms
- Supported Decision-Making
- Health Care Proxy
- Court-appointed Guardian



What is Guardianship for Adults?

- **Different** than guardianship of a **child**
- **Guardianship = Court**
- A **legal process** where a **court** decides that an adult is **“incapacitated”** and appoints someone else (a **“guardian”**) to make all or some decisions for them.



What is Adult Guardianship NOT?

- Guardianship is NOT the **only option** to consider
- Guardianship is NOT just a **piece of paper**
- Guardianship is NOT a **guarantee of safety**
- Guardianship is NOT **without downsides**



What Are Other Options in Health Care?

- “HIPAA” Release-of-Information Forms
- Supported Decision-Making
- Health Care Proxy



What is Supported Decision-Making?



- People make their own decisions, with the help of others they pick and trust.
- Supporters provide guidance and assistance.
- It can be formal (in writing) or informal.
 - “Supported Decision-Making Agreement”
- It is flexible and can change over time.
- The person builds decision-making skills over time and learns from mistakes.
- It can be used in any state, including Massachusetts.
- It can be used without hiring an attorney and without going to court.

What is Supported Decision-Making NOT?

- It is NOT someone else making decisions for – and instead – of the person.
- It is NOT the person making decisions **alone**, without any help.
- It is NOT the person making decisions **only** if the supporters agree.
- It is NOT **only** for people with certain types of disabilities.



Knowledge Check-In 1



True or False?

Under Massachusetts law, legal guardianship over minor children (under 18 years old) is the same as legal guardianship over adults with disabilities.

Knowledge Check-In 1



False

Truth – Under Massachusetts law, legal guardianship over minor children (under 18 years old) is not the same as legal guardianship over adults with disabilities. Legal guardianship over adults requires going to court and proving to a judge that the adult is “incapacitated” and in need of a guardian.

Knowledge Check-In 2



True or False?

Parents must file for guardianship when their child with a disability turns 18 years old in order to help their child with health care decisions.

Knowledge Check-In 2

False



Truth – There is nothing in law that requires parents to file for guardianship when their child with a disability turns 18 years old. There are other ways to help their adult children with health care decisions. Parents and their loved ones should consider all of their options, including Supported Decision-Making.

Other Options to Consider in Health Care?

- Supported Decision-Making
 - “HIPAA” Release of Information Form
- Health Care Proxy



Scenario

Dara has an intellectual disability and autism. She just turned 18 years old and attended her first doctor's appointment on her own. Her doctor told her that she needs to have surgery. The medical words the doctor used confused her, and she wants help understanding and getting questions answered. Dara is also worried about what will happen if something goes wrong during the surgery that would make her no longer able to make medical decisions herself.

What legal tools should Dara and her family consider?

Knowledge Check-In 3



True or False?

A person with a disability who uses Supported Decision-Making can make a health care decision even if their supporter disagrees with their choice.

Knowledge Check-In 3

True



A person with a disability who uses Supported Decision-Making can make a decision even if their supporter disagrees with that decision. When a person uses Supported Decision-Making, they are the decision-maker and so their choice wins.

Knowledge Check-In 4



True or False?

After a person with a disability turns 18, doctors and other medical professionals can only talk to that person's parents if they have guardianship over the person.

Knowledge Check-In 4

False



Truth – After a person with a disability turns 18, doctors and other medical professionals can talk to the parents with that person’s permission. A person can use “HIPAA” release-of-information forms to give that permission, which can be helpful when using Supported Decision-Making.

Knowledge Check-In 5



True or False?

A person with a disability can pick someone else to make medical decisions for them if they are unable to do so.

Knowledge Check-In 5

True



A person with a disability can use a Health Care Proxy form to pick a trusted adult to make medical decisions for them if they are unable to do so. To sign a Health Care Proxy form, the person with a disability must understand what it is and what it does. Health care proxies are activated only when the person with a disability no longer can make medical decisions themselves.

Resources (1 of 3)

- <https://supporteddecisions.org>
- <https://www.wearemass.org/supported-decision-making>
- <https://www.dlc-ma.org>



Resources (2 of 3)

Handouts:

- **Handout 1 – Power Point (Khmer and English)**
- **Handout 2 – Key Words to Know in Massachusetts**
 - **Khmer and English: <https://tinyurl.com/ycyau7ca>**
- **Handout 3- Getting Started with Supported Decision-Making in Massachusetts**
 - **Khmer: <https://tinyurl.com/2kjbpm4r>**
 - **English: <https://tinyurl.com/yut7p4ep>**

Resources (3 of 3)

- **Handout 4 - CPR Model SDM Form**
 - **Khmer:** <https://tinyurl.com/sbhd28j3>
 - **English:** <https://tinyurl.com/5ypuuwh6>
- **Handout 5 - CPR SDM Form Instructions for Massachusetts Residents**
 - **Khmer and English:** <https://tinyurl.com/28buun5w>
- **Handout 6 - Sample HIPAA Form**
 - **English:** <https://tinyurl.com/3ahjr6y3>
- **Handout 7 - Health Care Proxy Form and Instructions**
 - **Khmer:** <https://tinyurl.com/y3jzaz9y>
 - **English:** <https://tinyurl.com/tkb7zpud>
- **Handout 8 – Answers to Knowledge Check-ins (Khmer and English)**
 - **Distributed after the presentation to take home**

Questions Now or Later

- **Center for Public Representation**
 - Mona Igram, Megan Rusciano, and Morgan Whitlatch
 - 413-586-6024, SDM@cpr-ma.org

