

OASIS · AT A GLANCE

Healthcare Options Without Guardianship

HIPAA, healthcare proxies, durable POAs, representative payees, and supported decision making. The instruments that handle most adult healthcare decisions without ever filing a court petition.

BY JIM PALASTY · OASIS FOR AUTISM · 9 MIN READ

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TOOLS, NO COURT

Four legal instruments cover most adult healthcare decisions without filing for guardianship. Stack them. Customize them. Revise them.

How it works

THREE STEPS

HIPAA & durable POA

One sheet, one notary, one afternoon. File copies with every active provider before the next visit.



Healthcare proxy & rep payee

Designate the agent. Designate the backup. Designate the scope. Notarize what your state requires notarized.



Supported Decision Making

Written agreement among trusted advisors. Domain-specific. Annually reviewed. Recognized by any willing provider.

When each tool fits

HIPAA	Information sharing only. No decision authority transferred.
Healthcare proxy	Medical decisions when the adult cannot make them in the moment
Durable POA	Broader scope, financial and health, until revoked
Rep payee	Manages SSI/SSDI funds when benefits are at risk of mismanagement
SDM agreement	Decision-making support, not decision transfer
Advance directive	Pre-stated preferences for end-of-life or mental-health crisis
Mental health POA	In some states, a separate document for psychiatric decisions

WHAT IT LOOKS LIKE

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We never filed for guardianship. Our daughter is twenty-six. She has a healthcare proxy, a HIPAA release with three providers, a rep payee for her SSI, and a four-person SDM agreement that meets quarterly. Her psychiatrist has the proxy on file. Her PCP has the HIPAA release. Her case manager has the SDM. We have walked into nine specialty appointments with the binder, and not one has asked for a court order.

SUSAN, FLINT

What matters, at a glance

Guardianship by inertia

When no other tools are in place and a crisis hits, the court is the only door left. Build the alternatives now so the court does not have to.

HIPAA authorization

The simplest form on the list. Provider-specific. Names parents or other agents as permitted recipients of protected health information.

Healthcare proxy / POA

Pre-arranged authority to make medical decisions if the adult cannot. Backed by state statute. Recognized at every hospital.

Rep payee processing

Social Security takes weeks to process the rep payee designation. File before the SSI starts paying out, not after.

Supported decision making

Written agreement. Names trusted people and the domains in which they advise. Recognized by any willing provider. Costs nothing to draft.

Stack and customize

These tools combine. A healthcare proxy plus an SDM agreement plus three HIPAA releases covers most adult healthcare scenarios without any guardianship.

BRING THESE · CHECK AS YOU GO

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| ☐ HIPAA release on file, every provider | ☐ Healthcare proxy executed and notarized |
| ☐ Durable POA executed | ☐ Rep payee application filed (if applicable) |
| ☐ SDM agreement signed and shared | ☐ Mental health POA / advance directive (if applicable) |
| ☐ All providers have current copies on file | |

YOUR MOVE

When a transition team or hospital social worker says "you should file for guardianship"

- 1 Ask which specific decision authority is missing. Write it down in their words.
- 2 Match the answer to a less-restrictive tool. HIPAA, proxy, POA, rep payee, SDM.
- 3 Execute the tool. File copies with every affected provider that day.
- 4 If the team still refuses to work with you, request the missing-authority justification in writing.
- 5 Escalate to the practice manager or hospital ethics committee if the refusal continues.

Guardianship is sometimes the right answer. It is rarely the first answer.

RESOURCES NAMED IN THIS POST

oasisforautism.com · <https://oasisforautism.com>

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ABOUT THE AUTHOR

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