

**SENATE . . . . . No. 1095**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Richard J. Ross***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act relative to health care proxies.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>

**SENATE . . . . . No. 1095**

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By Mr. Ross, a petition (accompanied by bill, Senate, No. 1095) of Richard J. Ross, Bruce E. Tarr and Colleen M. Garry for legislation relative to health care proxies. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 853 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to health care proxies.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 201D of the General Laws is hereby amended by inserting, after  
2 section 2, the following section:-

3 Section 2A. No person shall be named a health care agent by execution of a  
4 health care proxy who: (i) is currently being investigated or is the subject of a criminal complaint  
5 or an indictment for any violation of chapter 265 that resulted in serious bodily injury to a  
6 principal who has become incapacitated; (ii) is currently being investigated by law enforcement,  
7 the department of elder services or the office of children and families for neglect, or is the  
8 subject of a criminal complaint or indictment therefore, of a principal who has become  
9 incapacitated; or (iii) has been convicted of committing an assault and battery [a violation of said  
10 chapter 265] or neglect and the commission of such offense resulted in serious bodily injury to a  
11 principal who has become incapacitated. The commissioner of the department of public health,  
12 the board of registration in medicine and the board of registration in nursing shall adopt  
13 regulations to implement this section.

14 SECTION 2. Section 7 of said chapter 201D, as so appearing, is hereby amended by  
15 striking out the words “, or (ii)”, in line 8, and inserting in place thereof the following words:- ;  
16 (ii) a finding, pursuant to section 17 that an agent is wholly or partly responsible for the  
17 incapacity of the principal; and (iii)

18           SECTION 3. Section 17 of said chapter 201D, as so appearing, is hereby amended by  
19 striking out, in line 10, the words “or is acting in bad faith”, and inserting in place thereof the  
20 following words:- ,is acting in bad faith, or the agent is wholly or partly responsible for the  
21 incapacity of the principal