

SENATE No. 1299

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 expanding health care proxy access to medical records.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 1299

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1299) of Mark C. Montigny for legislation to expand health care proxy access to medical records. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act expanding health care proxy access to medical records.

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. Section 5 of chapter 201D of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting at the end of the first paragraph the following
3 sentence: - An agent shall also have the authority to access a principal’s confidential medical
4 records up to six months after the death of the principal unless a personal representative
5 represents the estate of the principal.

6 ; and by inserting after the third paragraph the following:-

7 The agent shall also have the right to receive any and all medical information, including
8 any and all confidential medical information that the principal would be entitled to receive, up to
9 six months after the death of the principal unless a personal representative represents the estate
10 of the principal.

11 SECTION 2. Section 6 of said chapter 201D, as so appearing, is hereby amended, in line
12 1, by inserting after the word “begin” the following words:- either upon the death of the principal
13 or

14 SECTION 3. Section 7 of said chapter 201D, as so appearing, is hereby amended by
15 striking out the third paragraph in its entirety and inserting in place thereof the following
16 paragraph:- A health care proxy shall also be revoked upon: (i) execution by the principal of a
17 subsequent health care proxy; (ii) the divorce or legal separation of the principal and his spouse,
18 where the spouse is the principal’s agent under a health care proxy; (iii) the expiration of six
19 months after the death of the principal; or (iv) the appointment or assumption of representation
20 of the principal’s estate by a personal representative.

21 SECTION 4. Section 17 of said chapter 201D, as so appearing, is hereby amended, in
22 line 2, by inserting after the word “principal” the following words:- , the personal representative
23 of the principal’s estate