HOUSE DOCKET, NO. 2485 FILED ON: 1/16/2025

HOUSE . . . . . No. 1360

The Commonwealth of Massachusetts

PRESENTED BY:

Mindy Domb and Vanna Howard

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 preventing discrimination against persons with disabilities in the provision of health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mindy Domb	*3rd Hampshire*	*1/16/2025*
Vanna Howard	*17th Middlesex*	*1/16/2025*
James Arciero	*2nd Middlesex*	*3/20/2025*
Michelle L. Badger	*1st Plymouth*	*3/25/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*3/20/2025*
Daniel Cahill	*10th Essex*	*3/20/2025*
Tackey Chan	*2nd Norfolk*	*4/15/2025*
Mike Connolly	*26th Middlesex*	*4/9/2025*
Manny Cruz	*7th Essex*	*3/20/2025*
Leigh Davis	*3rd Berkshire*	*3/31/2025*
Marjorie C. Decker	*25th Middlesex*	*3/20/2025*
William C. Galvin	*6th Norfolk*	*3/20/2025*
Sean Garballey	*23rd Middlesex*	*3/20/2025*
Colleen M. Garry	*36th Middlesex*	*3/20/2025*
Carmine Lawrence Gentile	*13th Middlesex*	*3/20/2025*
James K. Hawkins	*2nd Bristol*	*3/20/2025*
Christopher Hendricks	*11th Bristol*	*3/20/2025*

Natalie M. Higgins	*4th Worcester*	*3/20/2025*
Patrick Joseph Kearney	*4th Plymouth*	*3/20/2025*
Michael P. Kushmerek	*3rd Worcester*	*3/31/2025*
Kathleen R. LaNatra	*12th Plymouth*	*3/20/2025*
David Paul Linsky	*5th Middlesex*	*3/20/2025*
Paul McMurtry	*11th Norfolk*	*3/20/2025*
James J. O'Day	*14th Worcester*	*4/2/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*3/20/2025*
Lindsay N. Sabadosa	*1st Hampshire*	*4/2/2025*
Thomas M. Stanley	*9th Middlesex*	*3/20/2025*
Steven Ultrino	*33rd Middlesex*	*3/20/2025*
Erika Uyterhoeven	*27th Middlesex*	*3/20/2025*
David T. Vieira	*3rd Barnstable*	*5/16/2025*
Susannah M. Whipps	*2nd Franklin*	*3/20/2025*
Tara T. Hong	*18th Middlesex*	*2/25/2026*
David Henry Argosky LeBoeuf	*17th Worcester*	*7/9/2025*
Dawne Shand	*1st Essex*	*3/3/2026*

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By Representatives Domb of Amherst and Howard of Lowell, a petition (accompanied by bill, House, No. 1360) of Mindy Domb and Vanna Howard relative to preventing discrimination against persons with disabilities in the provision of health care. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1180* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to preventing discrimination against persons with disabilities in the provision of health care.

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

SECTION 1. Section 1 of chapter 151B of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in line 138, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 2. Section 4 of said chapter 151B, as so appearing, is hereby amended by adding the following subsection:-

(a) As used in this subsection, the following words shall have the following meaning unless the context clearly requires otherwise:

“Disability”, shall have the same meaning as defined in section 1 of chapter 151B.

"Short-term survival", an individual's assessed probability of surviving an acute illness from which they are presently suffering and being successfully discharged from a hospital or other inpatient medical facility.

(b) It shall be an unlawful practice:

(i) For any public or private entity or agency of the commonwealth, to approve or implement a plan for the distribution of scarce healthcare resources during a crisis, including, but not limited to, crisis standards of care implemented during a public health emergency, that deny an individual lifesaving treatment or place an individual at reduced priority for lifesaving treatment if such a determination is based on:

(A) a presumption that an individual has a reduced quality of life due to a disability or chronic health condition;

(B) a presumption that an individual's life is less worth saving due to a disability or chronic health condition; or

(C) any measure, metric, or third party analysis which has the effect of setting a value for the life of an individual or individuals with a specific disability or medical diagnosis that is less than the value given to the life of an individual or individuals without a disability; provided however that this subsection shall not prohibit such a plan from considering an individual's prospects for short-term survival in determining whether they are prioritized for care.

(ii) For any public or private entity or agency of the commonwealth, to withhold any medical treatment to an individual based on:

(A) a presumption that an individual has a reduced quality of life due to a disability or chronic health condition;

(B) a presumption that an individual's life is less worth saving due to a disability or chronic health condition; or

(C) any measure, metric, or third party analysis which has the effect of setting a value for the life of an individual or individuals with a specific disability or medical diagnosis that is less than the value given to the life of an individual or individuals without a disability.

(iii) For any public or private entity or agency of the commonwealth, when determining whether a healthcare treatment should be available within a formulary, or determining the value of a healthcare treatment, to employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a pre-existing disability or chronic health condition of the individuals whom the treatment would benefit.

(iv) For a hospital or other entity engaged in the provision of healthcare to:

(A) condition the provision of procedures or treatment on an individual having an order to not resuscitate, POLST (Physician Orders for Life-Sustaining Treatment), advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration;

(B) communicate to any individual or person acting on behalf of the individual, before or after admission to the hospital,

that treatment is conditioned on the individual having an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration;

(C) suggest to any individual, or person acting on behalf of the individual, who contacts the hospital regarding treatment for the individual that admission or treatment is conditioned on the individual having an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration; or

(D) discriminate in any other way against an individual based on whether the individual has an order to not resuscitate, an advance directive or any instruction relating to the administration, withholding or withdrawing of life-sustaining procedures or artificially administered nutrition and hydration.

(c) This subsection shall not prohibit a hospital from providing written materials and information about advance directives to an individual or prohibit a licensed health care professional from engaging in a discussion with an individual about the written materials and information, so long as the professional does not disproportionately advise an individual to sign an advanced directive based on the race, ethnicity, gender, sexuality, or disability status of said individual.

(d) Nothing in this subsection shall prevent healthcare practitioners, hospitals or other healthcare entities from providing a medically appropriate course of treatment to an individual that they believe will extend that individual's life, improve their symptoms or alleviate pain and suffering.

(e) The secretary of health and human services shall promulgate regulations to implement this subsection.

SECTION 3. The secretary of health and human services shall promulgate regulations for the implementation of subsection 20 of section 4 of chapter 151B not later than 60 days after the effective date of this act.