SENATE DOCKET, NO. 1488 FILED ON: 1/16/2025

# SENATE . . . . . No. 1585

## 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 healthcare proxy access to medical records.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Mark C. Montigny* | *Second Bristol and Plymouth* |

SENATE DOCKET, NO. 1488 FILED ON: 1/16/2025

# SENATE . . . . . No. 1585

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1585) of Mark C. Montigny for legislation to expand health care proxy access to medical records. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1420* OF 2023-2024.]

## The Commonwealth of Massachusetts

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

An Act expanding healthcare 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:*

SECTION 1. Section 5 of chapter 201D of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting at the end of the first paragraph the following sentence: - "An agent shall also have the authority to access a principal's confidential medical records up to six months after the death of the principal unless a personal representative represents the estate of the principal."

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

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

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

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

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