

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William J. Driscoll***

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*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 capacity determination.**

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PETITION OF:

NAME:

*William J. Driscoll*

DISTRICT/ADDRESS:

*Norfolk, Plymouth and Bristol*

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act relative to capacity determination.

*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 1 of chapter 201D of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out in its entirety the definition of “Attending  
3 physician” and inserting in place thereof the following definition:—

4 "Attending health care provider", the physician, nurse practitioner or psychiatric nurse  
5 mental health clinical specialist selected by or assigned to a patient, who has primary  
6 responsibility for the treatment and care of the patient, in whatever setting medical diagnosis or  
7 treatment is rendered. Where more than one physician, nurse practitioner or psychiatric nurse  
8 mental health clinical specialist shares such responsibility, any such physician, nurse practitioner  
9 or psychiatric nurse mental health clinical specialist may act as the attending health care  
10 provider.

11 SECTION 2. Section 5 of chapter 201D, as so appearing, is hereby amended by inserting  
12 after the word “physician”, in line 23, the following:—

13 , nurse practitioner or psychiatric nurse mental health clinical specialist

14 SECTION 3. Section 6 of chapter 201D, as so appearing, is hereby amended by striking  
15 out the words “attending physician”, in lines 4 through 5, 7, 11, 12 through 13, and 36, each time  
16 they appear, and inserting in place thereof the following:—

17 attending health care provider

18 SECTION 4. Said section 6 of said chapter 201D is hereby further amended by inserting  
19 after the word “physician”, in line 17, the following:—

20 , nurse practitioner or psychiatric nurse mental health clinical specialist

21 SECTION 5. Section 7 of chapter 201D, as so appearing, is hereby amended by inserting  
22 after the word “physician”, in lines 11 and 14, each time it appears, the following:—

23 , nurse practitioner or psychiatric nurse mental health clinical specialist

24 SECTION 6. Said section 7 of said chapter 201D is hereby further amended by striking  
25 out the words “attending physician”, in lines 17 through 18, and inserting in place thereof the  
26 following:—

27 attending health care provider

28 SECTION 7. Section 13 of chapter 201D, as so appearing, is hereby amended by striking  
29 out the words “attending physician”, in line 2, and inserting in place thereof the following:—

30 attending health care provider

31 SECTION 8. Section 14 of chapter 201D, as so appearing, is hereby amended by  
32 inserting after the word “physician”, in lines 2 through 3, 6, 7, 9, 10, and 13 through 14, each  
33 time it appears, the following:—

