

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1692

**TITLE:** An Act improving medical decision making

**SPONSOR:** Rep. Carole A. Fiola

**COSPONSORS:** None

**HEARING DATE:** April 22, 2025

**PRIOR HISTORY:** H1489 (2023-2024 Fiola)  
H1497 (2021-2022 Cronin)

**SENATE BILL:** S1047 (Creem)

**CURRENT LAW:** General Law c. 201A-F addresses different forms of appointing proxies. C. 201D specifically addresses health care proxies. The current procedure requires individuals to delegate the proxy themselves and details competency definitions.

**SUMMARY:** Section 1 creates a new procedure and type of surrogate that does not require court or official action. It is specifically designed for incapacitated persons. It creates guidelines for attending physicians to authorize surrogate decision-makers for non-extraordinary medical decisions on behalf of incapacitated patients who do not have a health care proxy or a MOLST (Medical Order for Life Sustaining Treatment) form when there is no valid advance directive or guardian to make health care decisions.

Attending physicians can designate as a surrogate a willing and able competent person over 18 with exhibited special care and concern for the person and consideration of their values. Consideration must be given to the following order of preference for a person to serve as a surrogate: person's spouse, unless legally separated; person's adult child; person's parent; person's adult sibling. Additionally, several factors such as level of knowledge, demonstrated care, etc. are factors the physician considers before designating a surrogate.

This legislation also sets forth disqualifying factors for surrogate decision makers, along with criteria for choosing a surrogate decision-maker when there are competing claims of priority. Additionally, it indemnifies the hospital staff for decisions made

by the surrogate so long as they are consistent with the statute. Finally, it permits a concerned and related party to initiate a court proceeding to challenge the decisions and appointment of the surrogate.