

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H1736

TITLE: An act relative to determining capacity and invoking the health care proxy.

SPONSOR: Rep. Danielle W. Gregoire

CO-SPONSOR: None

HEARING DATE: April 22, 2025

PRIOR HISTORY: H1539 (2023-2024)

SENATE BILL: S1073 (Driscoll)
S1093 (Fattman)

CURRENT LAW: Chapter 201D of the General Laws sets out the definitions, rules and standards for health care proxies. This includes the appointment, eligibility and authority of an agent, the standards and contents of the proxy and how it may be revoked, the liability standards for health care providers and health care costs and what happens when a health care proxy is refused or disputed.

Section 5 requires an attending physician to make a record of the proxy. Section 6 dictates who and under what circumstances a person can be deemed incapacitated. Section 7 dictates how revocation of healthcare proxy is recorded. Section 13 permits physicians to take pain relieving medical actions. Section 14 permits the physician to refrain from taking any actions instructed by the agent that the physician objects to morally or religiously.

BILL SUMMARY: Section 1 - Replaces the definition of attending physician in Section 1 of Chapter 201D with one for the “attending health care provider.” This new definition includes nurse practitioners or psychiatric nurse mental health clinical specialists.

Sections 2 through 8 - Amends Sections 5, 6 7, 13 and 14 to, whenever a physician is listed, add language including nurse practitioners or specialists or attending health care providers within the roles and responsibilities given to the physician in current law.