

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1874

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

**SPONSOR:** Rep. Christopher Markey

**COSPONSOR(S):** None

**HEARING DATE:** April 22, 2025

**PRIOR HISTORY:** H1664 (2023-2024) H3338 (2019-2020)  
H1779 (2021-2022) H3093 (2017-2018)

**SENATE BILL:** None

**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.

**BILL SUMMARY:** Section 1 – states that the purpose of the Act is to specify a process to establish a surrogate decision-maker when there is no valid advance directive or a guardian to make health care decisions.

Section 2 – adds relevant definitions to Section 1 of Chapter 201D

Section 3 – adds a new section to Chapter 201D that applies only to “incapacitated persons” and permits the appointment of a surrogate decision maker who has the specific authority to make decisions regarding transfers and admissions to a nursing facility only. The surrogate will be an adult who has exhibited special care and concern for the incapacitated person, and is familiar with their personal values, reasonably available and willing to serve. It sets out the methodology for deciding among multiple possible surrogates and lists who may not act as surrogate. It further indemnifies the health care provider and the surrogate if they act with due care and in accordance with the Act.