

HOUSE No. 1539

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

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 determining capacity and invoking the health care proxy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/20/2023</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/31/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/1/2023</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/1/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/9/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/9/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/15/2023</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/15/2023</i>

HOUSE No. 1539

By Representative Gregoire of Marlborough, a petition (accompanied by bill, House, No. 1539) of Danielle W. Gregoire and others relative to health care proxies. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to determining capacity and invoking the health care proxy.

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 2020
2 Official Edition, shall be amended by inserting after the definition of “Attending physician” the
3 following definition:-

4 “Attending nurse practitioner”, the nurse practitioner who is authorized to practice as
5 such under regulations promulgated pursuant to section 80B of chapter 112, selected by or
6 assigned to a patient, who has primary responsibility for the treatment and care of the patient, in
7 whatever setting medical diagnosis or treatment is rendered. Where more than one nurse
8 practitioner shares such responsibility, any such nurse practitioner may act as the attending nurse
9 practitioner.

10 SECTION 2. Section 5 of said chapter 201D shall be amended by inserting after the word
11 “physician”, in line 23, the following words:- or nurse practitioner.

12 SECTION 3. Section 6 of said chapter 201D shall be amended by inserting after the
13 words “attending physician”, in lines 4 through 5, 7, 11, 12 through 13, and 36, each time they
14 appear, the following words:- or attending nurse practitioner.

15 SECTION 4. Said section 6 of said chapter 201D shall be further amended by inserting
16 after the word “physician”, in line 17, the following words:- or nurse practitioner.

17 SECTION 5. Section 7 of said chapter 201D shall be amended by inserting after the word
18 “physician”, in lines 11 and 14, each time it appears, the following words:- or nurse practitioner.

19 SECTION 6. Said section 7 of said chapter 201D shall be further amended by inserting
20 after the words “attending physician”, in lines 17 through 18, the following words:- or attending
21 nurse practitioner.

22 SECTION 7. Section 13 of said chapter 201D shall be amended by inserting after the
23 words “attending physician”, in line 2, the following words:- or attending nurse practitioner.

24 SECTION 8. Section 14 of said chapter 201D shall be amended by inserting after the
25 word “physician”, in lines 2 through 3, 6, 7, 9, 10, and 13 through 14, each time it appears, the
26 following words:- or nurse practitioner.