

**SENATE . . . . . No. 1299**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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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 expanding health care proxy access to medical records.

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PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

**SENATE . . . . . No. 1299**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1299) of Mark C. Montigny for legislation to expand health care proxy access to medical records. Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act expanding health care proxy access to medical records.

*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 5 of chapter 201D of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting at the end of the first paragraph the following  
3 sentence: - An agent shall also have the authority to access a principal’s confidential medical  
4 records up to six months after the death of the principal unless a personal representative  
5 represents the estate of the principal.

6           ; and by inserting after the third paragraph the following:-

7           The agent shall also have the right to receive any and all medical information, including  
8 any and all confidential medical information that the principal would be entitled to receive, up to  
9 six months after the death of the principal unless a personal representative represents the estate  
10 of the principal.

11 SECTION 2. Section 6 of said chapter 201D, as so appearing, is hereby amended, in line  
12 1, by inserting after the word “begin” the following words:- either upon the death of the principal  
13 or

14 SECTION 3. Section 7 of said chapter 201D, as so appearing, is hereby amended by  
15 striking out the third paragraph in its entirety and inserting in place thereof the following  
16 paragraph:- A health care proxy shall also be revoked upon: (i) execution by the principal of a  
17 subsequent health care proxy; (ii) the divorce or legal separation of the principal and his spouse,  
18 where the spouse is the principal’s agent under a health care proxy; (iii) the expiration of six  
19 months after the death of the principal; or (iv) the appointment or assumption of representation  
20 of the principal’s estate by a personal representative.

21 SECTION 4. Section 17 of said chapter 201D, as so appearing, is hereby amended, in  
22 line 2, by inserting after the word “principal” the following words:- , the personal representative  
23 of the principal’s estate