

SENATE BILL NO. 822

April 10, 2024, Introduced by Senators ANTHONY, GEISS, CHANG, SANTANA, CHERRY and CAVANAGH and referred to the Committee on Housing and Human Services.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5507 (MCL 700.5507), as amended by 2024 PA 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5507. (1) A patient advocate designation may include a
2 statement of the patient's desires on care, custody, and medical
3 treatment or mental health treatment, or both. **A patient advocate**
4 **designation may also include a statement on which life-sustaining**
5 **treatment the patient would desire or not desire if the patient is**
6 **pregnant at the time the patient advocate designation becomes**

1 **effective. The patient's pregnancy status does not change or limit**
2 **this right.** A patient advocate designation may also include a
3 statement of the patient's desires on the making of an anatomical
4 gift of all or part of the patient's body under part 101 of the
5 public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The
6 statement regarding an anatomical gift under this subsection may
7 include a statement of the patient's desires regarding the
8 resolution of a conflict between the terms of the advance health
9 care directive and the administration of means necessary to ensure
10 the medical suitability of the anatomical gift. The patient may
11 authorize the patient advocate to exercise 1 or more powers
12 concerning the patient's care, custody, medical treatment, mental
13 health treatment, the making of an anatomical gift, or the
14 resolution of a conflict between the terms of the advance health
15 care directive and the administration of means necessary to ensure
16 the medical suitability of the anatomical gift that the patient
17 could have exercised on the patient's own behalf.

18 (2) A patient advocate designation may also include the
19 patient's instructions about how the patient advocate is to make
20 decisions.

21 (3) A patient may designate in the patient advocate
22 designation a successor individual as a patient advocate who may
23 exercise the powers described in subsection (1) for the patient if
24 the first individual named as patient advocate does not accept, is
25 incapacitated, resigns, or is removed.

26 (4) Before a patient advocate designation is implemented, a
27 copy of the patient advocate designation must be given to the
28 proposed patient advocate and must be given to a successor patient
29 advocate before the successor acts as patient advocate. Before

1 acting as a patient advocate, the proposed patient advocate must
2 sign an acceptance of the patient advocate designation.

3 (5) The acceptance of a designation as a patient advocate must
4 include substantially all of the following statements:

5 1. This patient advocate designation is not effective unless
6 the patient is unable to participate in decisions regarding the
7 patient's medical or mental health, as applicable. If this patient
8 advocate designation includes the authority to make an anatomical
9 gift as described in section 5506, the authority remains
10 exercisable after the patient's death.

11 2. A patient advocate shall not exercise powers concerning the
12 patient's care, custody, and medical or mental health treatment
13 that the patient, if the patient were able to participate in the
14 decision, could not have exercised on the patient's own behalf.

15 3. This patient advocate designation ~~cannot be used to make a~~
16 ~~medical treatment decision to withhold or withdraw treatment from a~~
17 ~~patient who is pregnant that would result in the pregnant patient's~~
18 ~~death.~~ **can be used to direct which life-sustaining treatment the**
19 **patient would desire or not desire if the patient is pregnant at**
20 **the time the patient advocate designation becomes effective.**

21 4. A patient advocate may make a decision to withhold or
22 withdraw treatment that would allow a patient to die only if the
23 patient has expressed in a clear and convincing manner that the
24 patient advocate is authorized to make such a decision, and that
25 the patient acknowledges that such a decision could or would allow
26 the patient's death.

27 5. A patient advocate shall not receive compensation for the
28 performance of the patient advocate's authority, rights, and
29 responsibilities, but a patient advocate may be reimbursed for

1 actual and necessary expenses incurred in the performance of the
2 patient advocate's authority, rights, and responsibilities.

3 6. A patient advocate shall act in accordance with the
4 standards of care applicable to fiduciaries when acting for the
5 patient and shall act consistent with the patient's best interests.
6 The known desires of the patient expressed or evidenced while the
7 patient is able to participate in medical or mental health
8 treatment decisions are presumed to be in the patient's best
9 interests.

10 7. A patient may revoke the patient's patient advocate
11 designation at any time and in any manner sufficient to communicate
12 an intent to revoke.

13 8. A patient may waive the patient's right to revoke the
14 patient advocate designation as to the power to make mental health
15 treatment decisions, and if the waiver is made, the patient's
16 ability to revoke as to certain treatment will be delayed for 30
17 days after the patient communicates the patient's intent to revoke.

18 9. A patient advocate may revoke the patient advocate's
19 acceptance of the patient advocate designation at any time and in
20 any manner sufficient to communicate an intent to revoke.

21 10. A patient admitted to a health facility or agency has the
22 rights enumerated in section 20201 of the public health code, 1978
23 PA 368, MCL 333.20201.