

HOUSE BILL NO. 4419

May 01, 2025, Introduced by Reps. Witwer, Thompson, Breen, Young, Wilson, Pavlov, Aragona, Wozniak, Linting, Kelly, Steckloff, Meerman, Fox, Rigas, BeGole, Woolford, Roth, Green, Herzberg, T. Carter, MacDonell, Mentzer, Whitsett, Schuette, Kunse, VanderWall and Greene and referred to Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
(MCL 700.1101 to 700.8206) by adding sections 5605 and 5606.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Part 6

SURROGATE DECISIONMAKERS FOR HEALTH CARE

**Sec. 5605. (1) A health care provider or facility or agency
acting in good faith and in accordance with generally accepted
health care standards applicable to the health care provider or
facility or agency is not subject to civil or criminal liability or**

1 to discipline for unprofessional conduct for any of the following:

2 (a) Complying with a health care decision of a person
3 apparently having authority to make a health care decision for a
4 patient under this section.

5 (b) Declining to comply with a health care decision of a
6 person claiming to be the surrogate based on a belief that the
7 person lacked authority.

8 (c) Complying with a designation of patient advocate and
9 assuming the designation of patient advocate was valid when made
10 and has not been revoked or terminated.

11 (2) An individual acting as patient advocate, guardian, or
12 surrogate under this act is not subject to civil or criminal
13 liability or to discipline for unprofessional conduct for health
14 care decisions made in good faith.

15 Sec. 5606. (1) A health care provider or facility or agency
16 that intentionally violates this part is subject to liability to
17 the aggrieved individual for damages of \$1,000.00 or actual damages
18 resulting from this violation, whichever is greater, plus
19 reasonable attorney fees.

20 (2) A person that intentionally falsifies, forges, conceals,
21 defaces, or obliterates an individual's designation of patient
22 advocate or a revocation of a designation of patient advocate
23 without the individual's consent, or who fraudulently induces an
24 individual to give, revoke, or not give an advance health care
25 directive, is subject to liability to that individual for damages
26 of \$2,500.00 or actual damages resulting from the action, whichever
27 is greater, plus reasonable attorney fees.

28 Enacting section 1. This amendatory act does not take effect
29 unless Senate Bill No. ____ (request no. S01584'25) or House Bill

1 No. 4418 (request no. H01584'25) of the 103rd Legislature is
2 enacted into law.