

Legislative Analysis



MEDICAL CONSENT FOR INCAPACITATED PERSONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4734 as introduced
Sponsor: Rep. Brian BeGole
Committee: Judiciary
Complete to 8-20-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4734 would amend the Social Welfare Act to modify the list of persons authorized to consent to surgical or medical treatment on behalf of an individual who is not of sound mind or is not in a condition to make decisions for themselves. The act currently authorizes any of the following persons to make these decisions on behalf of an incapacitated individual by written consent:

- The incapacitated individual's nearest relative.
- A legally appointed guardian.
- A person standing in loco parentis.

The bill would no longer allow an incapacitated individual's nearest relative to consent to surgical or medical treatment on the individual's behalf.

The bill also would stipulate that an "appointed guardian" means a guardian appointed under Article V of the Estates and Protected Individuals Code (EPIC).¹

Finally, the bill would add the following to the list of persons authorized to consent on behalf of an incapacitated individual:

- A patient advocate designated under sections 5506 to 5520 of EPIC.²
- A *surrogate* designated under section 5602 of EPIC.³

The bill cannot take effect unless House Bill 4418 (or its equivalent Senate bill) is also enacted.

MCL 400.66h

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-386-1998-V>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-386-1998-V-5>

³ Section 5602 is an amendment to EPIC contained in House Bill 4418 (H-2) of the current legislative session. As defined in that bill, *surrogate* would mean an individual, other than a patient advocate or guardian, authorized under EPIC to make a health care decision for a patient. Additional information on House Bill 4418 is available [here](#).