



# ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

Senate: HHS DPA 7-1-0-0 | 3<sup>rd</sup> Read 25-5-0-0

House: HHS DP 8-1-0-0

## **SB 1373: health facilities; duty of care**

**Sponsor: Senator Barto, LD 15**

**Caucus & Cow**

### **Overview**

Establishes an affirmative duty of care for health care institutions that provide residential care and its employees, agents and assigns.

### **History**

*Health care institution* is defined as every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and home health agencies, outdoor behavioral health care programs and hospice service agencies. A health care institution does not include a community residential setting ([A.R.S. § 36-401](#)).

A *health care directive* is a document drafted in compliance with statute that includes a mental health care power of attorney to handle a person's future health care decisions. Under a health care directive, a person may execute a prehospital medical care directive that, in the event of cardiac or respiratory arrest, directs the withholding of cardiopulmonary resuscitation (CPR) by emergency medical system personnel, hospital emergency department personnel and direct care staff persons (A.R.S. §§ [36-3201](#) and [32-3251](#))

### **Provisions**

1. States that each licensed health care institution that provides residential care and its respective employees, agents and assigns have an affirmative duty of care for their residents. (Sec. 1)
2. Requires each health care institution, in accordance with a resident's advance directives and do-not-resuscitate order, to:
  - a) Initiate immediate CPR before the arrival of emergency medical services to a resident who experiences symptoms of cardiac arrest or cessation of respiration; and
  - b) Provide first aid before the arrival of emergency medical services to a resident who has fallen and is unable to reasonably recover independently. (Sec. 1)
3. Requires staff who are certified in CPR and first aid to be available at the health care institution at all times. (Sec. 1)
4. Prohibits a health care institution from having, establishing or implementing policies that prevent employees from providing immediate CPR, first aid or emergency care to its residents. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

5. Provides immunity from civil liability to a health care institution and any staff member who renders CPR or first aid in good faith and in accordance with CPR and first aid certification standards. (Sec. 1)
6. Specifies that the liability exclusion does not apply to a person who acts with gross negligence. (Sec. 1)