



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1373

health facilities; duty of care

Purpose

Establishes an affirmative duty of care for health care institutions and their employees. Grants immunity from civil liability to a person who in good faith renders first aid or CPR under prescribed circumstances. Directs each health care institution to develop a training program regarding fall prevention and recovery.

Background

A *health care institution* is any place, institution, building or agency 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 includes home health agencies, outdoor behavioral health care programs and hospice service agencies. *Health care institution* does not include a community residential setting. A *residential care institution* is a health care institution other than a hospital or a nursing care institution that provides resident beds or residential units, supervisory care services, personal care services, behavioral health services, directed care services or health-related services for individuals who do not need continuous nursing services ([A.R.S. § 36-401](#)).

A health care directive is a document, such as a living will or mental health care power of attorney, that is drafted to deal with a person's future healthcare decisions. Statute allows an individual to execute a prehospital medical care directive that, in the event of cardiac or respiratory arrest, directs emergency medical system personnel, hospital emergency department personnel and direct care staff to withhold cardiopulmonary resuscitation (CPR). CPR includes: 1) cardiac compression; 2) endotracheal intubation; 3) artificial ventilation; 4) defibrillation; 5) administration of advanced cardiac life support drugs; and 6) any other advanced airway management ([A.R.S. §§ 36-3201](#) and [36-3251](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes that each licensed health care institution and the institution's employees have an affirmative duty of care for their residents.
2. Requires health care institutions to do both of the following before the arrival of emergency medical services, in accordance with certification training and residents' advance directives:
  - a) initiate CPR to residents who are nonresponsive or who have a cessation of normal respiration; and
  - b) appropriate first aid to residents who are in distress and to noninjured residents who have fallen, who appear to be uninjured and who are unable to reasonably recover independently.

3. Requires each licensed health care institution to have staff that is certified in first aid and CPR available at all times.
4. Precludes a health care institution from having, establishing or implementing policies that prevent employees from providing immediate CPR and first aid.
5. Grants immunity to health care institutions that render CPR or first aid from civil liability for any acts or omissions resulting from rendering CPR or first aid.
6. Specifies that the liability exclusion applies only if the CPR or first aid is rendered in good faith and consistent with applicable certification standards.
7. Specifies that the liability exclusion does not apply to a person who acts with gross negligence.
8. Grants immunity to a person who in good faith renders first aid to a person who has fallen from civil liability for any acts or omissions resulting from rendering the first aid, unless the person acted with gross negligence, if the person rendered aid under the following circumstances:
  - a) at the direction of the emergency dispatch operator;
  - b) to prevent further imminent and serious injury to the fallen person; or
  - c) the fallen person appeared to be uninjured, states they are not injured and requested assistance.
9. Requires the Department of Health Services (DHS) to enforce requirements related to the rendering of CPR and first aid consistent with the Centers for Medicare and Medicaid Services regulations for applicable health care institutions.
10. Directs each health care institution to develop and administer a training program for all staff regarding fall prevention and recovery that includes initial and continued competency training.
11. Permits a health care institution to use information and training materials from DHS's Arizona Falls Prevention Coalition in developing the prescribed training program.
12. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Removes references to congregant care.

Amendments Adopted by Committee of the Whole

1. Eliminates references to basic life support.
2. Grants health care institutions and associated staff liability from civil immunity if CPR is rendered in good-faith and as prescribed.
3. Specifies that the liability exclusion is not applicable to a person who acts with gross negligence.
4. Makes conforming changes.

Amendments Adopted by the House of Representatives

1. Specifies that CPR and first aid must be performed as prescribed in accordance with certification training.
2. Modifies the conditions under which CPR or first aid must be rendered.
3. Adds a liability exclusion for a person who renders first aid to a person who has fallen.
4. Directs each health care institution to develop a training program for staff regarding fall prevention and recovery.

Senate Action

HHS            2/10/21    DPA    7-1-0  
3<sup>rd</sup> Read       2/23/21                25-5-0

House Action

HHS            3/22/21    DP    8-1-0-0  
3<sup>rd</sup> Read       4/22/21                60-0-0

Prepared by Senate Research  
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CRS/gk/kja