



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: HHS DPA 7-1-0-0 | 3rd Read 25-5-0-0

House: HHS DP 8-1-0-0

SB 1373: health facilities; duty of care

Sponsor: Senator Barto, LD 15

House Engrossed

Overview

Establishes an affirmative duty of care for health care institutions and their respective employees.

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 and their respective employees 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, to:
 - a) Initiate CPR in accordance with its certification training for CPR before the arrival of emergency medical services to a resident who is nonresponsive or has a cessation of normal respiration; and
 - b) Provide appropriate first aid in accordance with its certification training for first aid before the arrival of emergency medical services to a resident who is in distress and to a noninjured resident who has fallen, appears to be uninjured 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 appropriate CPR and first aid. (Sec. 1)
5. Provides immunity from civil liability to a health care institution that renders CPR or first aid in good faith and in accordance with CPR certification standards. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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6. Provides immunity from civil liability to person who in good faith renders first aid to a person who has fallen, if the person rendering aid acted under any of 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, stated that the person was not injured and requested assistance. (Sec. 1)
7. Requires the Arizona Department of Health Services (DHS) to enforce this act consistent with the Centers for Medicare and Medicaid Services regulations for health care institutions. (Sec. 1)
8. Requires each health care institution to develop and administer a training program for all staff regarding fall prevention and fall recovery. (Sec. 1)
9. States the training program must include initial training and continued competency training in fall prevention and fall recovery. (Sec. 1)
10. Allows a health care institution to use information and training materials from DHS's Arizona Falls Prevention Coalition in developing the training program. (Sec. 1)
11. Defines *health care institution*. (Sec. 1)