



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: HHS DP 7-0-0-0 | 3rd Read 16-14-0-0

House: HHS DP 6-4-0-0

SB 1509: informed consent; signatures

Sponsor: Senator Shamp, LD 29

Caucus & COW

Overview

Requires, except in an emergency, informed consent for a surgical procedure obtained by a licensed physician, licensed nurse practitioner (NP) or licensed physician assistant (PA) to include the signatures of the physician, NP or PA who is performing the surgical procedure, the patient or the patient's surrogate decision maker, a witness and the date.

History

A *physician* is a Doctor of Medicine who is licensed under the Arizona Medical Board ([A.R.S. § 32-1401](#)).

A registered *nurse practitioner* is a registered nurse who: 1) is certified by the Arizona State Board of Nursing (Board); 2) has completed the proper education programs approved and recognized by the Board; 3) holds national certification as a nurse practitioner from a national certifying body recognized by the Board; and 4) has an expanded scope of practice within a specialty area as outlined in statute ([A.R.S. § 32-1601](#)).

A *physician assistant* may provide any legal medical service for which the physician assistant has been prepared by education, training and experience and that the physician assistant is competent to perform, including but not limited to: 1) evaluating and diagnosing patients and managing and providing medical treatment and therapeutic interventions; 2) ordering, performing and interpreting diagnostic studies and therapeutic procedures; 3) writing medical orders; 4) obtaining informed consent; 5) assisting in surgery; 6) prescribing prescription-only medications; and 7) ordering, prescribing, dispensing and administering drugs and medical devices ([A.R.S. § 32-2531](#)).

Consent means voluntary informed consent. Consent is voluntary if not given as the result of coercion or undue influence. Consent is informed if the person giving the consent has been informed of and comprehends the nature, purpose, consequences, risks and benefits of the alternatives to the procedure, and has been informed and comprehends that withholding or withdrawing consent will not prejudice the future provision of care and services to the client. In cases of unusual or hazardous treatment procedures performed, experimental research, organ transplantation and nontherapeutic surgery, consent is informed if, in addition to the foregoing, the person giving the consent has been informed of and comprehends the method to be used in the proposed procedure ([A.R.S. § 36-551](#)).

Provisions

1. Requires, except in an emergency, informed consent for a surgical procedure obtained by a licensed physician, NP or PA to include the following dated signatures as required by the health care facility's policies, if applicable:
 - a) the health professional performing the surgical procedure;
 - b) the patient or the patient's surrogate decision maker; and
 - c) a witness. (Sec. 1)
2. Requires a witness to verify on the document that the patient or the patient's surrogate decision maker directly indicated to the witness that the patient intended to consent to the surgical procedure if a patient or patient's surrogate decision maker is physically unable to sign or mark an informed consent. (Sec. 1)
3. Defines *surgical procedure*. (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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