

REFERENCE TITLE: end-of-life options; right to know

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1311**

Introduced by  
Senators Lopez, Allen C, Burton Cahill, Landrum Taylor, Miranda;  
Representative Sinema: Senators Aguirre, Alvarez, Rios; Representatives  
Campbell CH, Campbell CL, Farley, Miranda B, Waters

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;  
RELATING TO END-OF-LIFE CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, Arizona Revised Statutes, is amended  
3 by adding article 3, to read:

4 ARTICLE 3. END-OF-LIFE CARE

5 32-3241. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ACTIVELY DYING" MEANS THE PHASE OF TERMINAL ILLNESS WHEN DEATH IS  
8 IMMINENT.

9 2. "DISEASE-TARGETED TREATMENT" MEANS TREATMENT DIRECTED AT THE  
10 UNDERLYING DISEASE OR CONDITION THAT IS INTENDED TO ALTER ITS NATURAL HISTORY  
11 OR PROGRESSION, IRRESPECTIVE OF WHETHER OR NOT A CURE IS POSSIBLE.

12 3. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN  
13 SECTION 36-401.

14 4. "HEALTH CARE PROVIDER" MEANS AN ATTENDING PHYSICIAN AND SURGEON,  
15 AND A NURSE OR PHYSICIAN ASSISTANT WHO IS PRACTICING IN ACCORDANCE WITH  
16 STANDARDIZED PROCEDURES OR PROTOCOLS DEVELOPED AND APPROVED BY THE  
17 SUPERVISING PHYSICIAN AND SURGEON.

18 5. "HOSPICE" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-401.

19 6. "PALLIATIVE CARE" MEANS MEDICAL TREATMENT, INTERDISCIPLINARY CARE,  
20 OR CONSULTATION PROVIDED TO A PATIENT OR FAMILY MEMBERS, OR BOTH, THAT HAS AS  
21 ITS PRIMARY PURPOSE THE PREVENTION OF, OR RELIEF FROM, SUFFERING AND THE  
22 ENHANCEMENT OF THE QUALITY OF LIFE, RATHER THAN TREATMENT AIMED AT  
23 INVESTIGATION AND INTERVENTION FOR THE PURPOSE OF CURE OR PROLONGATION OF  
24 LIFE. PALLIATIVE CARE MAY INCLUDE, WHEN APPROPRIATE, DISEASE-TARGETED  
25 TREATMENT.

26 7. "REFUSAL OF OR WITHDRAWAL FROM LIFE-SUSTAINING TREATMENT" MEANS  
27 FORGOING TREATMENT OR MEDICAL PROCEDURES THAT REPLACE OR SUPPORT AN ESSENTIAL  
28 BODILY FUNCTION, INCLUDING CARDIOPULMONARY RESUSCITATION, MECHANICAL  
29 VENTILATION, ARTIFICIAL NUTRITION AND HYDRATION, DIALYSIS AND ANY OTHER  
30 TREATMENT, OR DISCONTINUING ANY OR ALL OF THOSE TREATMENTS AFTER THEY HAVE  
31 BEEN USED FOR A REASONABLE TIME.

32 32-3242. End-of-life care

33 A. IF A HEALTH CARE PROVIDER MAKES A DIAGNOSIS THAT A PATIENT HAS A  
34 TERMINAL ILLNESS, THE HEALTH CARE PROVIDER, ON THE PATIENT'S REQUEST, SHALL  
35 PROVIDE THE PATIENT WITH COMPREHENSIVE INFORMATION AND COUNSELING REGARDING  
36 LEGAL END-OF-LIFE CARE OPTIONS PURSUANT TO THIS SECTION. IF A TERMINALLY ILL  
37 PATIENT IS IN A HEALTH CARE INSTITUTION, THE HEALTH CARE PROVIDER, OR MEDICAL  
38 DIRECTOR OF THE HEALTH CARE INSTITUTION IF THE PATIENT'S HEALTH CARE PROVIDER  
39 IS NOT AVAILABLE, MAY REFER THE PATIENT TO A HOSPICE PROVIDER OR PRIVATE OR  
40 PUBLIC AGENCIES AND COMMUNITY-BASED ORGANIZATIONS THAT SPECIALIZE IN  
41 END-OF-LIFE CARE CASE MANAGEMENT AND CONSULTATION TO RECEIVE COMPREHENSIVE  
42 INFORMATION AND COUNSELING REGARDING LEGAL END-OF-LIFE CARE OPTIONS.

43 B. IF THE PATIENT INDICATES A DESIRE TO RECEIVE THE INFORMATION AND  
44 COUNSELING, THE COMPREHENSIVE INFORMATION SHALL INCLUDE, AT A MINIMUM, THE  
45 FOLLOWING:

- 1           1. HOSPICE CARE AT HOME OR IN A HEALTH CARE SETTING.
- 2           2. A PROGNOSIS WITH AND WITHOUT THE CONTINUATION OF DISEASE-TARGETED
- 3 TREATMENT.
- 4           3. THE PATIENT'S RIGHT TO REFUSAL OF OR WITHDRAWAL FROM
- 5 LIFE-SUSTAINING TREATMENT.
- 6           4. THE PATIENT'S RIGHT TO CONTINUE TO PURSUE DISEASE-TARGETED
- 7 TREATMENT, WITH OR WITHOUT CONCURRENT PALLIATIVE CARE.
- 8           5. THE PATIENT'S RIGHT TO COMPREHENSIVE PAIN AND SYMPTOM MANAGEMENT AT
- 9 THE END OF LIFE, INCLUDING ADEQUATE PAIN MEDICATION, TREATMENT OF NAUSEA,
- 10 PALLIATIVE CHEMOTHERAPY, RELIEF OF SHORTNESS OF BREATH AND FATIGUE AND OTHER
- 11 CLINICAL TREATMENTS USEFUL WHEN A PATIENT IS ACTIVELY DYING.
- 12           6. THE PATIENT'S RIGHT TO GIVE INDIVIDUAL HEALTH CARE INSTRUCTION
- 13 PURSUANT TO TITLE 36, CHAPTER 32, WHICH PROVIDES THE MEANS BY WHICH A PATIENT
- 14 MAY PROVIDE WRITTEN HEALTH CARE INSTRUCTION, SUCH AS AN ADVANCE HEALTH CARE
- 15 DIRECTIVE, AND THE PATIENT'S RIGHT TO APPOINT A LEGALLY RECOGNIZED HEALTH
- 16 CARE DECISION MAKER.
- 17           C. THE INFORMATION DESCRIBED IN SUBSECTION B MAY BE IN WRITING.
- 18 HEALTH CARE PROVIDERS MAY USE INFORMATION FROM ORGANIZATIONS SPECIALIZING IN
- 19 END-OF-LIFE CARE THAT PROVIDE INFORMATION ON FACTSHEETS AND INTERNET WEBSITES
- 20 TO CONVEY THE INFORMATION DESCRIBED IN SUBSECTION B.
- 21           D. COUNSELING MAY INCLUDE DISCUSSIONS ABOUT THE OUTCOMES FOR THE
- 22 PATIENT AND THE PATIENT'S FAMILY, BASED ON THE INTEREST OF THE PATIENT.
- 23 INFORMATION AND COUNSELING AS DESCRIBED IN SUBSECTION B MAY OCCUR OVER A
- 24 SERIES OF MEETINGS WITH THE HEALTH CARE PROVIDER OR OTHERS WHO MAY BE
- 25 PROVIDING THE INFORMATION AND COUNSELING BASED ON THE PATIENT'S NEEDS.
- 26           E. THE INFORMATION AND COUNSELING SESSIONS MAY INCLUDE A DISCUSSION OF
- 27 TREATMENT OPTIONS IN A MANNER THAT THE PATIENT AND THE PATIENT'S FAMILY CAN
- 28 EASILY UNDERSTAND. IF THE PATIENT REQUESTS INFORMATION ON THE COSTS OF
- 29 TREATMENT OPTIONS, INCLUDING THE AVAILABILITY OF INSURANCE AND ELIGIBILITY OF
- 30 THE PATIENT FOR COVERAGE, THE PATIENT SHALL BE REFERRED TO THE APPROPRIATE
- 31 ENTITY FOR THAT INFORMATION.
- 32           32-3243. Health care provider responsibilities
- 33           IF A HEALTH CARE PROVIDER DOES NOT WISH TO COMPLY WITH THE PATIENT'S
- 34 REQUEST FOR INFORMATION ON END-OF-LIFE OPTIONS, THE HEALTH CARE PROVIDER
- 35 SHALL DO BOTH OF THE FOLLOWING:
- 36           1. REFER OR TRANSFER A PATIENT TO ANOTHER HEALTH CARE PROVIDER WHO
- 37 WILL PROVIDE THE REQUESTED INFORMATION.
- 38           2. PROVIDE THE PATIENT WITH INFORMATION ON PROCEDURES TO TRANSFER TO
- 39 ANOTHER HEALTH CARE PROVIDER WHO WILL PROVIDE THE REQUESTED INFORMATION.