

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1304

Introduced by
Senators Lopez, Bradley, Gallardo, Hobbs: Jackson Jr.

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3216; RELATING TO HEALTH PROFESSIONALS.

(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, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-3216, to read:

4 32-3216. Palliative care; terminally ill patients; definitions

5 A. IF A PATIENT IS DIAGNOSED WITH A TERMINAL ILLNESS OR CONDITION, THE
6 PATIENT'S ATTENDING HEALTH CARE PRACTITIONER SHALL OFFER TO PROVIDE THE
7 PATIENT WITH INFORMATION AND COUNSELING REGARDING PALLIATIVE CARE AND
8 END-OF-LIFE OPTIONS THAT ARE APPROPRIATE TO THE PATIENT. THE INFORMATION AND
9 COUNSELING MAY BE PROVIDED ORALLY OR IN WRITING. THIS INFORMATION MUST
10 INCLUDE AT LEAST THE FOLLOWING:

11 1. THE RANGE OF OPTIONS APPROPRIATE TO THE PATIENT.
12 2. THE PROGNOSIS, RISKS AND BENEFITS OF THE VARIOUS OPTIONS.
13 3. THE PATIENT'S LEGAL RIGHTS TO COMPREHENSIVE PAIN AND SYMPTOM
14 MANAGEMENT AT THE END OF LIFE.

15 4. INFORMATION REGARDING OTHER APPROPRIATE TREATMENT OPTIONS IF THE
16 PATIENT WISHES TO INITIATE OR CONTINUE TREATMENT.

17 B. IF THE ATTENDING HEALTH CARE PRACTITIONER IS UNWILLING TO PROVIDE
18 THE INFORMATION PRESCRIBED PURSUANT TO SUBSECTION A OF THIS SECTION, THE
19 ATTENDING HEALTH CARE PRACTITIONER SHALL REFER OR TRANSFER THE PATIENT TO
20 ANOTHER PHYSICIAN OR REGISTERED NURSE PRACTITIONER WHO IS WILLING TO DO SO.

21 C. IF TWO OR MORE PERSONS ARE A PATIENT'S ATTENDING HEALTH CARE
22 PRACTITIONERS, EACH ONE OF THEM IS RESPONSIBLE TO PROVIDE THE INFORMATION
23 REQUIRED PURSUANT TO THIS SECTION UNLESS THEY AGREE TO ASSIGN THAT
24 RESPONSIBILITY TO A SPECIFIC ATTENDING HEALTH CARE PRACTITIONER.

25 D. IF A PATIENT LACKS CAPACITY TO REASONABLY UNDERSTAND AND MAKE
26 INFORMED CHOICES RELATING TO PALLIATIVE CARE, THE ATTENDING HEALTH CARE
27 PRACTITIONER SHALL PROVIDE INFORMATION AND COUNSELING UNDER THIS SECTION TO A
28 PERSON WITH AUTHORITY TO MAKE HEALTH CARE DECISIONS FOR THE PATIENT. THE
29 ATTENDING HEALTH CARE PRACTITIONER MAY ARRANGE FOR INFORMATION AND COUNSELING
30 UNDER THIS SECTION TO BE PROVIDED BY ANOTHER PROFESSIONALLY QUALIFIED
31 INDIVIDUAL.

32 E. FOR THE PURPOSES OF THIS SECTION:

33 1. "APPROPRIATE" MEANS CONSISTENT WITH APPLICABLE LEGAL, HEALTH AND
34 PROFESSIONAL STANDARDS, THE PATIENT'S CLINICAL AND OTHER CIRCUMSTANCES AND
35 THE PATIENT'S REASONABLY KNOWN WISHES AND BELIEFS.

36 2. "ATTENDING HEALTH CARE PRACTITIONER" MEANS A PERSON WHO HAS THE
37 PRIMARY RESPONSIBILITY FOR THE CARE AND TREATMENT OF A PATIENT AND WHO IS
38 EITHER A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE
39 OR A REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO CHAPTER 15 OF
40 THIS TITLE.

41 3. "PALLIATIVE CARE" MEANS HEALTH CARE TREATMENT, INCLUDING
42 INTERDISCIPLINARY END-OF-LIFE CARE AND CONSULTATION WITH PATIENTS AND FAMILY
43 MEMBERS, TO PREVENT OR RELIEVE A PATIENT'S PAIN AND SUFFERING AND TO ENHANCE
44 THE PATIENT'S QUALITY OF LIFE. PALLIATIVE CARE INCLUDES HOSPICE CARE.

45 4. "TERMINAL ILLNESS OR CONDITION" MEANS AN ILLNESS OR CONDITION THAT
46 CAN REASONABLY BE EXPECTED TO CAUSE A PATIENT'S DEATH WITHIN SIX MONTHS AFTER
47 DIAGNOSIS, WHETHER OR NOT MEDICAL TREATMENT IS PROVIDED TO THE PATIENT.