

Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 318

HOUSE BILL 2545

AN ACT

AMENDING SECTION 36-3251, ARIZONA REVISED STATUTES; RELATING TO PREHOSPITAL
MEDICAL CARE DIRECTIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-3251, Arizona Revised Statutes, is amended to
3 read:

4 36-3251. Prehospital medical care directives; form; effect;
5 immunity; definitions

6 A. Notwithstanding any law or a health care directive to the contrary,
7 a person may execute a prehospital medical care directive that, in the event
8 of cardiac or respiratory arrest, directs the withholding of cardiopulmonary
9 resuscitation by emergency medical system ~~and~~ PERSONNEL, hospital emergency
10 department personnel AND, AS PROVIDED IN SUBSECTION L OF THIS SECTION, DIRECT
11 CARE STAFF PERSONS. For the purposes of this article, "cardiopulmonary
12 resuscitation" includes cardiac compression, endotracheal intubation and
13 other advanced airway management, artificial ventilation, defibrillation,
14 administration of advanced cardiac life support drugs and related emergency
15 medical procedures. Authorization for the withholding of cardiopulmonary
16 resuscitation does not include the withholding of other medical
17 interventions, such as intravenous fluids, oxygen or other therapies deemed
18 necessary to provide comfort care or to alleviate pain.

19 B. A prehospital medical care directive shall be printed on an orange
20 background and may be used in either letter or wallet size. The directive
21 shall be in the following form:

22 Prehospital Medical Care Directive

23 (side one)

24 In the event of cardiac or respiratory arrest, I refuse
25 any resuscitation measures, including cardiac compression,
26 endotracheal intubation and other advanced airway management,
27 artificial ventilation, defibrillation, administration of
28 advanced cardiac life support drugs and related emergency
29 medical procedures.

30 Patient: _____ date: _____

31 (Signature or mark)

32 Attach recent photograph here or provide all of the
33 following information below:

34 Date of birth _____ sex _____

35 Eye color _____ hair color _____ race _____

36 Hospice program (if any) _____

37 Name and telephone number of patient's physician
38 _____

39 (side two)

40 I have explained this form and its consequences to the
41 signer and obtained assurance that the signer understands that
42 death may result from any refused care listed above.

43 _____ date _____

44 (Licensed health care provider)

1 I was present when this was signed (or marked). The
2 patient then appeared to be of sound mind and free from duress.

3 _____ date _____

4 (Witness)

5 C. A person who has a valid prehospital medical care directive
6 pursuant to this section may wear an identifying bracelet on either the wrist
7 or the ankle. The bracelet shall be substantially similar to identification
8 bracelets worn in hospitals. The bracelet shall be on an orange background
9 and state the following in bold type:

10 Do Not Resuscitate

11 Patient: _____

12 Patient's physician: _____

13 D. If the person has designated an agent to make health care decisions
14 under section 36-3221 or has been appointed a guardian for health care
15 decisions pursuant to title 14, that agent or guardian shall sign if the
16 person is no longer competent to do so.

17 E. A prehospital medical care directive is effective until it is
18 revoked or superseded by a new document.

19 F. Emergency medical system ~~and~~ PERSONNEL, hospital emergency
20 department personnel AND DIRECT CARE STAFF PERSONS who make a good faith
21 effort to identify the patient and who rely on an apparently genuine
22 directive or a photocopy of a directive on orange paper are immune from
23 liability to the same extent and under the same conditions as prescribed in
24 section 36-3205. If a person has any doubt as to the validity of a directive
25 or the medical situation, that person shall proceed with resuscitative
26 efforts as otherwise required by law. Emergency medical system personnel AND
27 DIRECT CARE STAFF PERSONS are not required to accept or interpret medical
28 care directives that do not meet the requirements of this section.

29 G. In the absence of a physician, a person without vital signs who is
30 not resuscitated pursuant to a prehospital medical care directive may be
31 pronounced dead by any peace officer of this state, a professional nurse
32 licensed pursuant to title 32, chapter 15 or an emergency medical technician
33 certified pursuant to this title.

34 H. This section does not apply to situations involving mass casualties
35 or to medical emergencies involving children and adults with disabilities in
36 public or private schools that are not licensed health care institutions as
37 defined in section 36-401.

38 I. After being notified of a death by emergency medical system
39 personnel, the person's physician or the county medical examiner is then
40 responsible for signing the death certificate.

41 J. The office of emergency medical services in the department of
42 health services shall print prehospital medical care directive forms and make
43 them available to the public. The department may charge a fee that covers
44 the department's costs to prepare the form. The department and its employees
45 are immune from civil liability for issuing prehospital medical care

1 directive forms that meet the requirements of this section. A person may use
2 a form that is not prepared by the department of health services if that form
3 meets the requirements of this section. If an organization distributes a
4 prehospital medical care directive form that meets the requirements of this
5 section, that organization and its employees are also immune from civil
6 liability.

7 K. Any prehospital medical care directive prepared before April 24,
8 1994 is valid if it was valid at the time it was prepared.

9 L. A DIRECT CARE STAFF PERSON MAY COMPLY WITH A PREHOSPITAL MEDICAL
10 CARE DIRECTIVE PURSUANT TO THIS SECTION IF THE PHYSICIAN OF THE PERSON WHO
11 HAS THE VALID PREHOSPITAL MEDICAL CARE DIRECTIVE HAS ORDERED A HOSPICE PLAN
12 OF CARE.

13 M. THE DEPARTMENT OF ECONOMIC SECURITY OR THE ARIZONA HEALTH CARE COST
14 CONTAINMENT SYSTEM ADMINISTRATION MAY PRESCRIBE GUIDANCE FOR TRAINING AND
15 EDUCATION OF DIRECT CARE STAFF PERSONS REGARDING THE REQUIREMENTS OF THIS
16 SECTION.

17 N. For the purposes of this section: —

18 1. "DIRECT CARE STAFF PERSON" MEANS A PERSON WHO IS EMPLOYED OR
19 CONTRACTED TO PROVIDE DIRECT SERVICES PURSUANT TO TITLE 36, CHAPTER 5.1.

20 2. "Emergency medical system personnel" includes emergency medical
21 technicians at all levels who are certified by the department of health
22 services and medical personnel who are licensed by this state and who are
23 operating outside of an acute care hospital under the direction of an
24 emergency medical system agency recognized by the department of health
25 services.

~~APPROVED BY THE GOVERNOR APRIL 10, 2015.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.~~

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 1, 2015,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
2nd day of April, 2015,

at 8:57 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

April, 2015,

at 4:53 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2545

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 14th day of April, 2015

at 2:00 o'clock P. M.

[Signature]
Secretary of State