

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2556

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-2204, Arizona Revised Statutes, is amended to
3 read:

4 36-2204. Medical control

5 The medical director of the emergency medical services and trauma
6 system, the emergency medical services council and the medical direction
7 commission shall recommend to the director the following standards and
8 criteria that pertain to the quality of emergency patient care:

9 1. Statewide standardized training, certification and recertification
10 standards for all classifications of emergency medical care technicians.

11 2. A standardized and validated testing procedure for all
12 classifications of emergency medical care technicians.

13 3. Medical standards for certification and recertification of training
14 programs for all classifications of emergency medical care technicians.

15 4. Standardized continuing education criteria for all classifications
16 of emergency medical care technicians.

17 5. Medical standards for certification and recertification of
18 certified emergency receiving facilities and advanced life support base
19 hospitals and approval of physicians providing medical control or medical
20 direction for any classification of emergency medical care technicians who
21 are required to be under medical control or medical direction.

22 6. Standards and mechanisms for monitoring and ongoing evaluation of
23 performance levels of all classifications of emergency medical care
24 technicians, emergency receiving facilities and advanced life support base
25 hospitals and approval of physicians providing medical control or medical

1 direction for any classification of emergency medical care technicians who
2 are required to be under medical control or medical direction.

3 7. Objective criteria and mechanisms for decertification of all
4 classifications of emergency medical care technicians, emergency receiving
5 facilities and advanced life support base hospitals and for disapproval of
6 physicians providing medical control or medical direction for any
7 classification of emergency care technicians who are required to be under
8 medical control or medical direction.

9 8. Medical standards for nonphysician prehospital treatment and
10 prehospital triage of patients requiring emergency medical services.

11 9. Standards for emergency medical dispatcher training, including
12 prearrival instructions. For the purposes of this paragraph, "emergency
13 medical dispatch" means the receipt of calls requesting emergency medical
14 services and the response of appropriate resources to the appropriate
15 location.

16 10. Standards for a quality assurance process for components of the
17 emergency medical services system, including standards for maintaining the
18 confidentiality of the information considered in the course of quality
19 assurance and the records of the ~~activities of~~ quality assurance ~~process~~
20 **ACTIVITIES** pursuant to section ~~36-2401~~ 36-2403.

21 11. Standards for ambulance service and medical transportation that
22 give consideration to the differences between urban, rural and wilderness
23 areas.

24 12. Standards to allow an ambulance to transport a patient to a health
25 care institution that is licensed as a special hospital and that is
26 physically connected to an emergency receiving facility.

27 Sec. 2. Heading change

28 The article heading of title 36, chapter 25, article 1, Arizona Revised
29 Statutes, is changed from "HEALTH CARE ENTITY QUALITY ASSURANCE PROCESS" to
30 "HEALTH CARE ENTITY QUALITY ASSURANCE ACTIVITIES".

31 Sec. 3. Section 36-2401, Arizona Revised Statutes, is amended to read:
32 36-2401. Definitions

33 In this article, unless the context otherwise requires:

1 1. "Health care entity" means any of the following:

2 (a) A licensed health care provider.

3 (b) An entity that provides ~~or contracts to provide~~ health care
4 services ~~other than a hospital or outpatient surgical center~~ THROUGH ONE OR
5 MORE LICENSED HEALTH CARE PROVIDERS.

6 (c) AN ENTITY THAT CONTRACTS TO PROVIDE OR PAYS FOR HEALTH CARE
7 SERVICES.

8 ~~(e)~~ (d) A professional organization of licensed health care
9 providers.

10 ~~(d)~~ (e) A utilization or quality control peer review organization.

11 ~~(e)~~ (f) A state health care provider.

12 ~~(f)~~ (g) A component of the statewide trauma system.

13 ~~(g)~~ (h) A qualifying community health center as defined in section
14 36-2907.06.

15 (i) A COMMITTEE OR OTHER ORGANIZATIONAL STRUCTURE OF A HEALTH CARE
16 ENTITY.

17 2. "Licensed health care provider" means a person or institution THAT
18 IS licensed or certified, ~~or a corporation, all of whose members or~~
19 ~~shareholders are licensed or certified,~~ by this state to provide health
20 care, medical services, nursing services or other health-related services
21 ~~other than a licensed hospital and outpatient surgical center.~~

22 3. ~~"Malice" means evil intent and outrageous, oppressive or~~
23 ~~intolerable conduct that creates a substantial risk of tremendous harm to~~
24 ~~others.~~

25 4. ~~"Quality assurance process" means a process that is adopted by a~~
26 ~~health care entity and that follows written standards and criteria. The~~
27 ~~process includes the activities of a health care entity or any of its~~
28 ~~committees that investigate the quality of health care through the review of~~
29 ~~professional practices, training and experience, patient cases or conduct of~~
30 ~~licensed health care providers, or encourage proper utilization of health~~
31 ~~care services and facilities.~~

32 3. "QUALITY ASSURANCE ACTIVITIES" MEANS ACTIVITIES OR PROCEEDINGS OF A
33 HEALTH CARE ENTITY:

1 (a) THAT ARE ESTABLISHED FOR THE PURPOSES OF REDUCING MORBIDITY AND
2 MORTALITY AND FOR IMPROVING THE QUALITY OF HEALTH CARE OR ENCOURAGING PROPER
3 UTILIZATION OF HEALTH CARE SERVICES AND FACILITIES THROUGH THE REVIEW OF THE
4 QUALIFICATIONS, PROFESSIONAL PRACTICES, TRAINING, EXPERIENCE, PATIENT CARE,
5 CONDUCT, PROCESSES OR DATA OF LICENSED HEALTH CARE PROVIDERS.

6 (b) THAT FOLLOW A PROCESS ADOPTED BY THE HEALTH CARE ENTITY THAT
7 INCLUDES WRITTEN STANDARDS AND CRITERIA.

8 4. "QUALITY ASSURANCE INFORMATION" MEANS INFORMATION IN ORAL, WRITTEN
9 OR DIGITAL FORM THAT IS SUBMITTED TO, PREPARED FOR OR BY OR CONSIDERED BY A
10 HEALTH CARE ENTITY FOR OR IN THE COURSE OF QUALITY ASSURANCE ACTIVITIES,
11 INCLUDING THE RECORD OF THE HEALTH CARE ENTITY'S ACTIONS AND PROCEEDINGS.

12 5. "State health care provider" means a department, agency, board or
13 commission of the state and its officers, agents and employees that is a
14 health care provider to clients, wards, patients or other persons in the
15 control or custody of a department, agency, board or commission of the state
16 and a health care provider rendering health care services on behalf of the
17 state that is covered by insurance or self-insurance pursuant to section
18 41-621, 41-622 or 41-623.

19 Sec. 4. Section 36-2402, Arizona Revised Statutes, is amended to read:

20 36-2402. Quality assurance activities; sharing of quality
21 assurance information; immunity

22 ~~A. The written standards and criteria for a quality assurance process~~
23 ~~must be available to all licensed health care providers that conduct or are~~
24 ~~subject to a quality assurance process.~~

25 A. STATE HEALTH CARE PROVIDERS, HOSPITALS AND OUTPATIENT SURGICAL
26 CENTERS SHALL, AND OTHER HEALTH CARE ENTITIES MAY, CONDUCT QUALITY ASSURANCE
27 ACTIVITIES.

28 B. A HEALTH CARE ENTITY MAY SHARE QUALITY ASSURANCE INFORMATION WITH
29 APPROPRIATE STATE LICENSING OR CERTIFYING AGENCIES AND WITH LICENSED HEALTH
30 CARE PROVIDERS WHO ARE THE SUBJECT OF QUALITY ASSURANCE ACTIVITIES.

31 C. A HEALTH CARE ENTITY MAY SHARE QUALITY ASSURANCE INFORMATION WITH
32 OTHER HEALTH CARE ENTITIES ONLY FOR THE PURPOSE OF CONDUCTING QUALITY
33 ASSURANCE ACTIVITIES.

1 ~~B.~~ D. A health care entity or person that, ~~without malice,~~ provides
2 OR RECEIVES information, THAT PARTICIPATES, takes any action or makes any
3 decision or recommendation in the course of ~~a~~ quality assurance ~~process~~
4 ACTIVITIES or that furnishes any records, information or assistance to a
5 health care entity FOR OR in the course of ~~a~~ quality assurance ~~process shall~~
6 ~~not be~~ ACTIVITIES IS NOT subject to liability for civil damages or any legal
7 action in consequence of such action EXCEPT AS PROVIDED IN SECTION 36-445.02.
8 ~~Malice shall be determined by the court and must be based on a finding from~~
9 ~~clear and convincing evidence. This section shall not be construed to~~
10 ~~relieve any person of liability arising from treatment of a patient.~~

11 ~~C.~~ E. ~~Health care~~ Quality assurance ~~review~~ activities conducted by
12 state, county or local medical, pharmacy and dental associations and
13 societies on behalf of a health care entity, ~~licensed hospital, outpatient~~
14 ~~surgical center, state or federal health program or other health maintenance~~
15 ~~organization~~ are immune from civil liability to the same degree as the
16 facility for which the review activities are conducted.

17 ~~D. This section applies to a committee consisting of two or more~~
18 ~~qualifying community health centers as defined in section 36-2907.06 to~~
19 ~~review quality assurance information.~~

20 F. HEALTH CARE ENTITIES MAY JOINTLY CONDUCT QUALITY ASSURANCE
21 ACTIVITIES.

22 G. THIS SECTION DOES NOT RELIEVE ANY HEALTH CARE ENTITY FROM LIABILITY
23 ARISING FROM THE TREATMENT OF A PATIENT OR FROM NEGLIGENT CREDENTIALING
24 DECISIONS.

25 Sec. 5. Section 36-2403, Arizona Revised Statutes, is amended to read:

26 36-2403. Confidentiality; protection from discovery proceedings
27 and subpoena; exceptions

28 A. ~~The information considered by any entity or organization acting~~
29 ~~pursuant to section 36-2402, subsection C in the course of a quality~~
30 ~~assurance process and the records of its actions and proceedings~~ QUALITY
31 ASSURANCE INFORMATION shall be confidential and ~~are~~ IS not subject to
32 subpoena or order to produce except ~~as provided in subsection B of this~~
33 ~~section and~~ in proceedings before the appropriate state licensing or

1 certifying agency, or in actions by ~~an aggrieved~~ A licensed health care
2 provider against a health care entity ARISING FROM THE DISCIPLINE OF THE
3 LICENSED HEALTH CARE PROVIDER OR THE REFUSAL, TERMINATION, SUSPENSION OR
4 LIMITATION OF PRIVILEGES. ~~No member of~~ A health care entity, ~~its staff~~ or
5 ~~any~~ A person ~~assisting or furnishing~~ WHO PROVIDES OR RECEIVES information ~~to~~
6 ~~it or participating~~ OR WHO PARTICIPATES IN, TAKES ANY ACTION IN OR MAKES ANY
7 DECISION OR RECOMMENDATION FOR OR in the course of ~~the~~ quality assurance
8 ~~process~~ ACTIVITIES may NOT be subpoenaed to testify in any judicial or
9 quasi-judicial proceeding ~~if such subpoena is based solely on activities~~
10 ~~relating to~~ RELATING TO THE SUBJECT MATTER OF the quality assurance ~~process~~
11 ACTIVITIES.

12 B. This article shall not be construed to affect any patient's claim
13 to privilege or privacy or to prevent the subpoena of a patient's health care
14 records if they are otherwise subject to discovery. IN ANY LEGAL ACTION
15 BROUGHT PURSUANT TO SECTION 36-2402 IN WHICH IT IS ALLEGED THAT QUALITY
16 ASSURANCE ACTIVITIES WERE INADEQUATE OR WERE NEGLIGENTLY CONDUCTED,
17 REPRESENTATIVES OF A HEALTH CARE ENTITY ARE PERMITTED TO TESTIFY ONLY AS TO
18 WHETHER THERE WERE QUALITY ASSURANCE ACTIVITIES RELATING TO THE SUBJECT
19 MATTER BEING LITIGATED AND THE DATE OR DATES OF THE QUALITY ASSURANCE
20 ACTIVITIES.

21 ~~C. Information considered by a health care entity and the records of~~
22 ~~its actions and proceedings which are used pursuant to subsection A of this~~
23 ~~section by a state licensing or certifying agency or in an appeal shall be~~
24 ~~kept confidential and shall be subject to the same provisions concerning~~
25 ~~discovery and use in legal actions as are the original information and~~
26 ~~records in the possession and control of a health care entity.~~

27 ~~D. This section applies to a committee consisting of two or more~~
28 ~~qualifying community health centers as defined in section 36-2907.06 to~~
29 ~~review quality assurance information.~~

30 C. SHARING OF INFORMATION ABOUT QUALITY ASSURANCE ACTIVITIES IN
31 ACCORDANCE WITH SECTION 36-2402 DOES NOT WAIVE OR OTHERWISE IMPAIR THE
32 CONFIDENTIALITY OF THE INFORMATION SHARED. GOVERNING BODIES AND
33 ADMINISTRATIVE AND OTHER PERSONNEL OF A HEALTH CARE ENTITY MAY PARTICIPATE IN

1 QUALITY ASSURANCE ACTIVITIES WITHOUT WAIVING CONFIDENTIALITY. ALL
2 INDIVIDUALS OR ENTITIES SHARING OR RECEIVING QUALITY ASSURANCE INFORMATION
3 SHALL MAINTAIN THE INFORMATION CONFIDENTIALLY IN ACCORDANCE WITH THIS
4 SECTION.

5 D. A STATE AGENCY OR THE AFFECTED LICENSED HEALTH CARE PROVIDER
6 RECEIVING OR REVIEWING QUALITY ASSURANCE INFORMATION PURSUANT TO SECTION
7 36-2402 SHALL MAINTAIN THE INFORMATION CONFIDENTIALLY, AND SUCH ENTITIES AND
8 INDIVIDUALS ARE SUBJECT TO THE SAME PROVISIONS CONCERNING DISCOVERY AND USE
9 IN LEGAL ACTIONS AS ARE HEALTH CARE ENTITIES.

10 E. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, INFORMATION THAT
11 IS OTHERWISE DISCOVERABLE DOES NOT BECOME CONFIDENTIAL BASED SOLELY ON ITS
12 SUBMISSION TO OR CONSIDERATION BY A HEALTH CARE ENTITY CONDUCTING
13 CONFIDENTIAL QUALITY ASSURANCE ACTIVITIES. A HEALTH CARE ENTITY CONDUCTING
14 QUALITY ASSURANCE ACTIVITIES MAY NOT PRODUCE SUCH INFORMATION IF DISCOVERY OF
15 SUCH INFORMATION MIGHT REVEAL THE DELIBERATIVE PROCESS ENGAGED IN DURING SUCH
16 QUALITY ASSURANCE ACTIVITIES.

17 Sec. 6. Repeal

18 Section 36-2404, Arizona Revised Statutes, is repealed.

19 Sec. 7. Intent

20 The intent of this act is to allow more health care entities to conduct
21 quality assurance activities and to specifically allow the sharing of quality
22 assurance information between entities without a waiver of privilege. It is
23 not the intent of this act to broaden the definitions of quality assurance
24 activities or quality assurance information."

25 Amend title to conform

REGINA COBB

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02/05/2015
10:54 AM
C: mjh