PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2556

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

   36-2204. Medical control

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

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

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

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

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

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

   6. Standards and mechanisms for monitoring and ongoing evaluation of performance levels of all classifications of emergency medical care technicians, emergency receiving facilities and advanced life support base hospitals and approval of physicians providing medical control or medical
direction for any classification of emergency medical care technicians who are required to be under medical control or medical direction.

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

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

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

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

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

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

Sec. 2. Heading change

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

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

36-2401. Definitions

In this article, unless the context otherwise requires:
1. "Health care entity" means any of the following:
   (a) A licensed health care provider.
   (b) An entity that provides or contracts to provide health care services other than a hospital or outpatient surgical center through one or more licensed health care providers.
   (c) An entity that contracts to provide or pays for health care services.
   (d) A professional organization of licensed health care providers.
   (e) A utilization or quality control peer review organization.
   (f) A state health care provider.
   (g) A component of the statewide trauma system.
   (h) A qualifying community health center as defined in section 36-2907.06.
   (i) A committee or other organizational structure of a health care entity.

2. "Licensed health care provider" means a person or institution that is licensed or certified, or a corporation, all of whose members or shareholders are licensed or certified, by this state to provide health care, medical services, nursing services or other health-related services other than a licensed hospital and outpatient surgical center.

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

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

3. "QUALITY ASSURANCE ACTIVITIES" MEANS ACTIVITIES OR PROCEEDINGS OF A HEALTH CARE ENTITY:
(a) THAT ARE ESTABLISHED FOR THE PURPOSES OF REDUCING MORBIDITY AND
MORTALITY AND FOR IMPROVING THE QUALITY OF HEALTH CARE OR ENCOURAGING PROPER
UTILIZATION OF HEALTH CARE SERVICES AND FACILITIES THROUGH THE REVIEW OF THE
QUALIFICATIONS, PROFESSIONAL PRACTICES, TRAINING, EXPERIENCE, PATIENT CARE,
CONDUCT, PROCESSES OR DATA OF LICENSED HEALTH CARE PROVIDERS.

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

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

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

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

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

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

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

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

C. A HEALTH CARE ENTITY MAY SHARE QUALITY ASSURANCE INFORMATION WITH
OTHER HEALTH CARE ENTITIES ONLY FOR THE PURPOSE OF CONDUCTING QUALITY
ASSURANCE ACTIVITIES.
B. D. A health care entity or person that, without malice, provides OR RECEIVES information, THAT PARTICIPATES, takes any action or makes any decision or recommendation in the course of a quality assurance process ACTIVITIES or that furnishes any records, information or assistance to a health care entity FOR OR in the course of a quality assurance process shall not be ACTIVITIES IS NOT subject to liability for civil damages or any legal action in consequence of such action EXCEPT AS PROVIDED IN SECTION 36-445.02. Malice shall be determined by the court and must be based on a finding from clear and convincing evidence. This section shall not be construed to relieve any person of liability arising from treatment of a patient.

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

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

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

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

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

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

A. The information considered by any entity or organization acting pursuant to section 36-2402, subsection C in the course of a quality assurance process and the records of its actions and proceedings QUALITY ASSURANCE INFORMATION shall be confidential and are IS not subject to subpoena or order to produce except as provided in subsection B of this section—and in proceedings before the appropriate state licensing or
certifying agency, or in actions by an aggrieved A licensed health care
provider against a health care entity ARISING FROM THE DISCIPLINE OF THE
LICENSED HEALTH CARE PROVIDER OR THE REFUSAL, TERMINATION, SUSPENSION OR
LIMITATION OF PRIVILEGES. No member of A health care entity, its staff or
any A person assisting or furnishing WHO PROVIDES OR RECEIVES information to
it or participating OR WHO PARTICIPATES IN, TAKES ANY ACTION IN OR MAKES ANY
DECISION OR RECOMMENDATION FOR OR in the course of the quality assurance
process ACTIVITIES may NOT be subpoenaed to testify in any judicial or
quasi-judicial proceeding if such subpoena is based solely on activities
relating to RELATING TO THE SUBJECT MATTER OF the quality assurance process
ACTIVITIES.

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

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

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

C. SHARING OF INFORMATION ABOUT QUALITY ASSURANCE ACTIVITIES IN
ACCORDANCE WITH SECTION 36-2402 DOES NOT WAIVE OR OTHERWISE IMPAIR THE
CONFIDENTIALITY OF THE INFORMATION SHARED. GOVERNING BODIES AND
ADMINISTRATIVE AND OTHER PERSONNEL OF A HEALTH CARE ENTITY MAY PARTICIPATE IN
QUALITY ASSURANCE ACTIVITIES WITHOUT WAIVING CONFIDENTIALITY. ALL
INDIVIDUALS OR ENTITIES SHARING OR RECEIVING QUALITY ASSURANCE INFORMATION
SHALL MAINTAIN THE INFORMATION CONFIDENTIALLY IN ACCORDANCE WITH THIS
SECTION.

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

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

Sec. 6. Repeal
Section 36-2404, Arizona Revised Statutes, is repealed.

Sec. 7. Intent
The intent of this act is to allow more health care entities to conduct
quality assurance activities and to specifically allow the sharing of quality
assurance information between entities without a waiver of privilege. It is
not the intent of this act to broaden the definitions of quality assurance
activities or quality assurance information."

Amend title to conform

REGINA COBB