



HOUSE OF REPRESENTATIVES

SB 1445

health care services; patient education
Prime Sponsor: Senator Barto, LD 15

DPA Committee on Health
DPA Caucus and COW
X Transmitted to the Governor

OVERVIEW

SB 1445 prohibits punishment for making a patient aware of or providing lawful health care services for which there is a reasonable basis including the off-label use of health care services or health care-related research or data allowed under state law.

PROVISIONS

1. Prohibits Arizona, any political subdivision of Arizona or any department or agency of Arizona, including a health profession regulatory board, or a private entity contracted with a health profession regulatory board to carry out functions of the board from punishing a health professional directly or indirectly through a subcontractor for:
 - a. Making a patient aware of or educating or advising a patient about lawful health care services for which there is a reasonable basis, including off-label use of health care services or health care-related research or data; or
 - b. Offering, providing or making available lawful health care services, including the off-label use of health care services for which there is a reasonable basis that is allowed under state law.
2. Stipulates that unless an entity has a sincerely held religious or moral belief the entity may not restrict a health professional who is an employee of or affiliated or contracted with the entity for making a patient aware of or educating or advising a patient about lawful health care services, including the off-label use of health care services, or health care-related research or data.
3. States that making a patient aware or educating or advising a patient about lawful health care services, including the off-label use of health care services, does not require:
 - a. The health care service to be covered under the health care plan or the health care system through which the patient receives care; or
 - b. A health professional, an entity that employs the health professional or a health care system to offer, provide or make the lawful health care service, including the off-label use of health care services, available to the patient.
4. Specifies that this does not:
 - a. Impair the rights established in Article II, Constitution of Arizona, or impair any right or limitation on medical liability.
 - b. Prevent any reporting to a health profession regulatory board regarding medical liability cases, settlements or decisions.
 - c. Impair or contradict any other state law regarding lawful health care services.

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- d. Prohibit a health profession regulatory board from taking action if a health professional commits unprofessional conduct arising out of the conduct specified.
5. Establishes what is not included in a sincerely held religious or moral belief and unprofessional conduct.
6. Defines *lawful health care service*, *off-label use*, and *punish*.

CURRENT LAW

Not currently addressed in statute.