HOUSE BILL 2407

AN ACT

AMENDING SECTION 12-571, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-571, Arizona Revised Statutes, is amended to read:

12-571. Qualified immunity; health professionals; nonprofit clinics; previously owned prescription eyeglasses

A. A health professional, as defined in section 32-3201, who provides medical, OPTOMETRIC or dental treatment, CARE OR SCREENING within the scope of the health professional's certificate or license at a nonprofit clinic where neither the professional nor the NONPROFIT clinic receives compensation for any treatment, CARE OR SCREENING provided at the NONPROFIT clinic is not liable in a medical malpractice action, unless such THE health professional was grossly negligent. FOR THE PURPOSES OF THIS SUBSECTION, "NONPROFIT CLINIC" INCLUDES A CLINIC, AN OFFICE, A HOMELESS OR OTHER SHELTER, A HEALTH OR SCREENING FAIR OR ANY OTHER SETTING WHERE TREATMENT, CARE OR SCREENING IS PROVIDED AT NO COST TO THE PATIENT.

B. A health professional who, within the professional's scope of practice, provides previously owned prescription eyeglasses free of charge through a charitable, nonprofit or fraternal organization is not liable for an injury to the recipient if the recipient or the recipient's parent or legal guardian has signed a medical malpractice release form and the injury is not a direct result of the health professional's intentional misconduct or gross negligence. FOR THE purposes of this subsection, "medical malpractice release form" means a document that the recipient or the recipient's parent or legal guardian signs before the recipient receives eyeglasses pursuant to this subsection to acknowledge that the eyeglasses were not made specifically for the recipient and to accept full responsibility for the recipient's eye safety.