

REFERENCE TITLE: health care providers; religious beliefs

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

## **HB 2664**

Introduced by  
Representatives Friese, Cardenas, Mach, Plumlee: Fernandez, Gabaldón,  
Kopec, Rios, Wheeler

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 33; RELATING  
TO PATIENT INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding  
3 chapter 33, to read:

4 CHAPTER 33

5 PATIENT REPRODUCTIVE HEALTH CARE OPTIONS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-3301. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CLINICAL PRIVILEGES" MEANS PRIVILEGES WITH OR MEMBERSHIP ON THE  
10 MEDICAL STAFF OF A HEALTH CARE ENTITY AND OTHER CIRCUMSTANCES PERTAINING TO  
11 THE FURNISHING OF HEALTH CARE SERVICES UNDER WHICH A PHYSICIAN OR OTHER  
12 HEALTH CARE PRACTITIONER IS ALLOWED TO FURNISH SUCH CARE BY A HEALTH CARE  
13 ENTITY.

14 2. "HEALTH CARE ENTITY" MEANS ANY OF THE FOLLOWING:

15 (a) A HOSPITAL THAT IS LICENSED TO PROVIDE HEALTH CARE SERVICES IN  
16 THIS STATE.

17 (b) AN ENTITY THAT PROVIDES HEALTH CARE SERVICES AND THAT FOLLOWS A  
18 FORMAL PEER REVIEW PROCESS FOR THE PURPOSE OF FURTHERING QUALITY HEALTH CARE.

19 (c) ANY HEALTH CARE FACILITY OR INSTITUTION THAT IS LICENSED PURSUANT  
20 TO CHAPTER 4 OF THIS TITLE.

21 (d) A HEALTH PROFESSIONAL AS DEFINED IN SECTION 32-3201 WHO PROVIDES  
22 REPRODUCTIVE HEALTH CARE SERVICES TO HUMANS.

23 3. "HEALTH CARE PRACTITIONER" MEANS AN INDIVIDUAL, OTHER THAN A  
24 PHYSICIAN, WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THIS STATE TO PROVIDE  
25 ANY TYPE OF REPRODUCTIVE HEALTH CARE SERVICES.

26 4. "HEALTH CARE SERVICES" MEANS:

27 (a) INPATIENT HOSPITAL SERVICES, INCLUDING INPATIENT CRITICAL ACCESS  
28 HOSPITAL SERVICES OR EXTENDED CARE SERVICES.

29 (b) OUTPATIENT DIAGNOSTIC OR THERAPEUTIC ITEMS OR SERVICES, OUTPATIENT  
30 SURGICAL SERVICES OR OUTPATIENT MEDICAL SERVICES WITH A PHYSICIAN OR OTHER  
31 LICENSED HEALTH CARE PRACTITIONER WHO HAS CLINICAL PRIVILEGES.

32 (c) ANY SERVICES PROVIDED BY A HEALTH CARE PRACTITIONER.

33 5. "HOSPITAL" MEANS AN ENTITY THAT IS PRIMARILY ENGAGED IN PROVIDING,  
34 BY OR UNDER THE SUPERVISION OF PHYSICIANS, INPATIENT DIAGNOSTIC SERVICES AND  
35 THERAPEUTIC SERVICES FOR THE MEDICAL DIAGNOSIS, TREATMENT AND CARE OF  
36 INJURED, DISABLED OR SICK PERSONS OR REHABILITATION SERVICES FOR THE  
37 REHABILITATION OF INJURED, DISABLED OR SICK PERSONS AND THAT MAINTAINS  
38 CLINICAL RECORDS ON ALL PATIENTS AND HAS BYLAWS IN EFFECT WITH RESPECT TO ITS  
39 STAFF OF PHYSICIANS.

40 6. "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32,  
41 CHAPTER 13 OR 17 AND WHO PROVIDES ANY TYPE OF REPRODUCTIVE HEALTH CARE  
42 SERVICES.

43 7. "RELIGIOUS BELIEFS" MEANS ANY SET OF PHILOSOPHICAL OR RELIGIOUS  
44 BELIEFS, GUIDELINES, DECREES OR DIRECTIVES OR ANY OTHER INSTRUCTIONS

1 DETERMINING PATIENT CARE THAT IS NOT BASED ON LEGAL, PEER-REVIEWED OR  
2 SCIENTIFICALLY ACCEPTED STANDARDS OF HEALTH CARE AND THAT MAY BE IMPOSED ON A  
3 HEALTH CARE ENTITY THROUGH EMPLOYMENT OR CLINICAL PRIVILEGES.

4 36-3302. Health care entities; religious beliefs; disclosure to  
5 patients and state agencies; applications for state  
6 grants

7 A. NOT LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS  
8 SECTION, A HEALTH CARE ENTITY THAT DOES NOT PROVIDE CERTAIN HEALTH CARE  
9 SERVICES BASED ON THE ENTITY'S RELIGIOUS BELIEFS SHALL ADOPT A POLICY THAT  
10 PROVIDES A COMPLETE LIST OF HEALTH CARE SERVICES THAT THE HEALTH CARE ENTITY  
11 WILL NOT PROVIDE TO PATIENTS BASED ON THE ENTITY'S RELIGIOUS BELIEFS. BEFORE  
12 TREATMENT IS INITIATED OR, IN THE CASE OF AN EMERGENCY, AS SOON AS THE  
13 PATIENT IS CAPABLE OR THE PATIENT'S REPRESENTATIVE IS AVAILABLE, THE HEALTH  
14 CARE ENTITY THAT ADOPTED SUCH A POLICY SHALL PROVIDE A WRITTEN NOTICE TO THE  
15 PATIENT OR THE PATIENT'S REPRESENTATIVE THAT INCLUDES THE LIST OF HEALTH CARE  
16 SERVICES THAT WILL NOT BE PROVIDED BY THE ENTITY BASED ON THE ENTITY'S  
17 RELIGIOUS BELIEFS. THE PATIENT OR PATIENT'S REPRESENTATIVE SHALL ACKNOWLEDGE  
18 RECEIPT OF THE NOTICE THAT INCLUDES THE LIST OF EXCLUDED HEALTH CARE  
19 SERVICES.

20 B. NOT LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS  
21 SECTION, A HEALTH CARE ENTITY THAT DOES NOT PROVIDE HEALTH CARE SERVICES  
22 BASED ON RELIGIOUS BELIEFS SHALL INFORM ANY STATE OR FEDERAL AGENCY THAT  
23 LICENSES OR OTHERWISE REGULATES THE HEALTH CARE ENTITY OF ALL HEALTH CARE  
24 SERVICES THAT ARE NOT PROVIDED. STATE AGENCIES THAT ENROLL OR OTHERWISE  
25 OVERSEE THE APPLICATION OF HEALTH CARE ENTITIES INTO STATE OR FEDERAL HEALTH  
26 CARE REIMBURSEMENT PROGRAMS SHALL AMEND THE APPLICATION PROCESS TO INCLUDE A  
27 REQUIREMENT THAT HEALTH CARE ENTITIES DISCLOSE ANY HEALTH CARE SERVICES THE  
28 ENTITY DOES NOT PROVIDE BASED ON THE ENTITY'S RELIGIOUS BELIEFS.

29 C. A HEALTH CARE ENTITY SHALL PROVIDE A LIST OF THE HEALTH CARE  
30 SERVICES THAT THE HEALTH CARE ENTITY DOES NOT PROVIDE BASED ON RELIGIOUS  
31 BELIEFS WHEN APPLYING FOR ANY STATE GRANT THAT IS RELATED TO PROVIDING ANY  
32 KIND OF HEALTH CARE SERVICE.

33 36-3303. Health plan providers; insurers; religious beliefs;  
34 availability of health care services

35 A. NOT LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS  
36 SECTION, GROUP HEALTH PLAN PROVIDERS AND HEALTH INSURERS OFFERING GROUP OR  
37 INDIVIDUAL HEALTH INSURANCE COVERAGE SHALL PROVIDE ENROLLEES WITH A LIST OF  
38 ANY HEALTH CARE ENTITY WITHIN THE PROVIDER'S OR INSURER'S NETWORK OF HEALTH  
39 CARE PROVIDERS THAT DOES NOT PROVIDE CERTAIN HEALTH CARE SERVICES BASED ON  
40 RELIGIOUS BELIEFS AND PROVIDE A LIST OF HEALTH CARE SERVICES THAT WILL NOT BE  
41 PROVIDED BY EACH HEALTH CARE ENTITY LISTED. THE INFORMATION REQUIRED IN THIS  
42 SUBSECTION SHALL ALSO BE AVAILABLE ON THE PROVIDER'S AND INSURER'S WEBSITE.

43 B. NOT LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS  
44 SECTION, A HEALTH CARE ENTITY SHALL PROVIDE A COMPLETE LIST OF ANY HEALTH

1 CARE SERVICES THAT THE HEALTH CARE ENTITY WILL NOT PROVIDE BASED ON RELIGIOUS  
2 BELIEFS TO ALL GROUP HEALTH PLAN PROVIDERS AND HEALTH INSURERS OFFERING GROUP  
3 OR INDIVIDUAL HEALTH INSURANCE COVERAGE FROM WHOM THE HEALTH CARE ENTITY  
4 SEEKS AND ACCEPTS PAYMENTS. EACH HEALTH CARE ENTITY SHALL PROMINENTLY LIST  
5 ON THE ENTITY'S WEBSITE THE HEALTH CARE SERVICES THAT WILL NOT BE PROVIDED TO  
6 PATIENTS BASED ON THE ENTITY'S RELIGIOUS BELIEFS AND SHALL PROVIDE THE LIST  
7 OF EXCLUDED HEALTH CARE SERVICES TO ANY PERSON ON REQUEST.

8 Sec. 2. Short title

9 This act may be cited as the "Patient's Right to Know Act".