

REFERENCE TITLE: special needs patients; health facilities

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 4012

Introduced by
Representative Crews

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 43;
RELATING TO PATIENT CARE.

(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 43, to read:

4 CHAPTER 43

5 PATIENTS WITH SPECIAL NEEDS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-4301. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

10 2. "HEALTH CARE FACILITY" MEANS A HOSPITAL, EMERGENCY DEPARTMENT,
11 URGENT CARE CENTER OR OTHER MEDICAL FACILITY THAT IS LICENSED AND
12 REGULATED PURSUANT TO CHAPTER 4 OF THIS TITLE.

13 3. "HEALTH CARE PROVIDER" MEANS A LICENSED PROFESSIONAL WHO IS
14 INVOLVED IN DIRECT PATIENT CARE.

15 4. "NONVERBAL PATIENT" MEANS AN INDIVIDUAL WHO IS UNABLE TO
16 COMMUNICATE VERBALLY DUE TO A DEVELOPMENTAL, NEUROLOGICAL, MEDICAL OR
17 PHYSICAL CONDITION.

18 5. "PATIENT ADVOCATE" MEANS A TRAINED INDIVIDUAL WHO IS DESIGNATED
19 BY A HEALTH CARE FACILITY TO ASSIST NONVERBAL PATIENTS AND PATIENTS WITH
20 SPECIAL NEEDS DURING DIAGNOSTIC AND TREATMENT PROCESSES.

21 6. "PATIENT WITH SPECIAL NEEDS" MEANS AN INDIVIDUAL WHO HAS A
22 PHYSICAL, DEVELOPMENTAL, INTELLECTUAL OR SENSORY DISABILITY THAT
23 SIGNIFICANTLY AFFECTS THE PATIENT'S ABILITY TO COMMUNICATE SYMPTOMS OR
24 PAIN.

25 36-4302. Enhanced diagnostic evaluations; deviations

26 A. WHEN A NONVERBAL PATIENT OR A PATIENT WITH SPECIAL NEEDS
27 EXHIBITS SYMPTOMS OR BEHAVIORS THAT MAY INDICATE SERIOUS INTERNAL ILLNESS
28 OR INJURY, A HEALTH CARE PROVIDER SHALL ENSURE THAT AN ENHANCED DIAGNOSTIC
29 EVALUATION IS CONDUCTED, CONSISTENT WITH CLINICAL JUDGMENT AND MEDICALLY
30 APPROPRIATE STANDARDS OF CARE. THE EVALUATION MAY INCLUDE, WHEN
31 CLINICALLY INDICATED:

32 1. LABORATORY TESTING, INCLUDING BLOOD AND URINE STUDIES.

33 2. DIAGNOSTIC IMAGING, INCLUDING ULTRASOUND, COMPUTED TOMOGRAPHY
34 SCAN OR MAGNETIC RESONANCE IMAGING.

35 3. ADDITIONAL DIAGNOSTIC TESTING NECESSARY TO RULE OUT SERIOUS
36 CONDITIONS.

37 B. A HEALTH CARE PROVIDER MAY DEVIATE FROM SPECIFIC DIAGNOSTIC
38 ELEMENTS IF THE DEVIATION IS CLINICALLY JUSTIFIED AND DOCUMENTED IN THE
39 PATIENT'S MEDICAL RECORD.

40 36-4303. Pain assessment; communication

41 A. EACH HEALTH CARE FACILITY SHALL USE EVIDENCE-BASED PAIN
42 ASSESSMENT TOOLS THAT ARE APPROPRIATE FOR NONVERBAL PATIENTS AND PATIENTS
43 WITH SPECIAL NEEDS.

44 B. EACH HEALTH CARE PROVIDER SHALL SEEK AND DOCUMENT INPUT FROM THE
45 FAMILY MEMBERS OR CAREGIVERS OF NONVERBAL PATIENTS OR PATIENTS WITH

1 SPECIAL NEEDS WHO ARE FAMILIAR WITH THE PATIENT'S BASELINE BEHAVIOR AND
2 TYPICAL EXPRESSIONS OF PAIN OR DISTRESS.

3 C. EACH HEALTH CARE FACILITY SHALL MAKE REASONABLE EFFORTS TO
4 PROVIDE APPROPRIATE COMMUNICATION SUPPORTS, INCLUDING ASSISTIVE
5 COMMUNICATION TOOLS OR SIMPLIFIED COMMUNICATION METHODS.

6 36-4304. Training requirements; rules

7 A. EACH HEALTH CARE FACILITY SHALL ENSURE THAT EMERGENCY DEPARTMENT
8 STAFF AND OTHER RELEVANT PERSONNEL RECEIVE ANNUAL TRAINING ON ALL OF THE
9 FOLLOWING RELATING TO NONVERBAL PATIENTS AND PATIENTS WITH SPECIAL NEEDS:

- 10 1. ATYPICAL SYMPTOM PRESENTATION.
- 11 2. SPECIALIZED PAIN ASSESSMENT METHODS.
- 12 3. COMMUNICATION STRATEGIES AND SENSORY-SENSITIVE CARE.
- 13 4. APPLICATION OF ENHANCED DIAGNOSTIC EVALUATION PRINCIPLES.

14 B. THE DEPARTMENT SHALL ESTABLISH IN RULE THE TRAINING REQUIREMENTS
15 FOR HEALTH CARE FACILITIES UNDER THIS SECTION.

16 36-4305. Patient advocate program

17 EACH HEALTH CARE FACILITY IN THIS STATE SHALL PROVIDE ACCESS TO
18 SOCIAL WORK OR PATIENT ADVOCACY SERVICES FOR NONVERBAL PATIENTS AND
19 PATIENTS WITH SPECIAL NEEDS, IF REQUESTED. SOCIAL WORKERS AND PATIENT
20 ADVOCATES SHALL ASSIST WITH COMMUNICATION, SUPPORT CAREGIVER INVOLVEMENT
21 AND PROMOTE COMPLIANCE WITH THIS ARTICLE.

22 36-4306. Documentation; reporting

23 A. EACH HEALTH CARE FACILITY SHALL ENSURE THAT THE MEDICAL RECORDS
24 OF NONVERBAL PATIENTS AND PATIENTS WITH SPECIAL NEEDS INCLUDE
25 DOCUMENTATION OF DIAGNOSTIC DECISIONS, COMMUNICATION METHODS USED,
26 CAREGIVER INPUT AND ANY DEVIATIONS FROM ENHANCED EVALUATION PRACTICES.

27 B. EACH HEALTH CARE FACILITY SHALL SUBMIT ANNUAL COMPLIANCE DATA TO
28 THE DEPARTMENT IN A FORM PRESCRIBED BY THE DEPARTMENT.

29 36-4307. Oversight and enforcement; rules

30 A. THE DEPARTMENT SHALL MONITOR COMPLIANCE WITH THIS ARTICLE AND
31 MAY REQUIRE CORRECTIVE ACTION OR ADDITIONAL TRAINING FOR HEALTH CARE
32 FACILITIES THAT ARE FOUND TO BE NONCOMPLIANT, CONSISTENT WITH EXISTING
33 ENFORCEMENT AUTHORITY PURSUANT TO CHAPTER 4 OF THIS TITLE.

34 B. THE DEPARTMENT SHALL ADOPT ANY RULES NECESSARY TO IMPLEMENT THIS
35 ARTICLE.

36 Sec. 2. Short title

37 This act may be cited as "Cito's Law".