

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE BILL 2076

AN ACT

AMENDING SECTIONS 36-3295 AND 36-3296, ARIZONA REVISED STATUTES; RELATING
TO THE HEALTH CARE DIRECTIVES REGISTRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-3295, Arizona Revised Statutes, is amended to
3 read:

4 36-3295. Registry information; confidentiality; health care
5 provider access; use and transfer of information;
6 definition

7 A. The registry established pursuant to this article is accessible
8 only by entering the file number and password on the internet ~~web site~~
9 WEBSITE.

10 B. Registrations, file numbers, passwords and any other information
11 maintained by the secretary of state pursuant to this article are
12 confidential and shall not be disclosed to any person other than the
13 person who submitted the document or the person's personal representative.

14 C. Notwithstanding ~~subsection~~ SUBSECTIONS A AND B OF THIS SECTION,
15 a health care provider may access the registry and receive a patient's
16 health care directive documents for the provision of health care services
17 ~~by submitting the patient's file number and password.~~ ON OR BEFORE
18 DECEMBER 31, 2018, THE SECRETARY OF STATE SHALL ESTABLISH IN RULE A
19 PROCESS FOR HEALTH CARE PROVIDERS TO ACCESS THE REGISTRY.

20 D. The secretary of state shall use information contained in the
21 registry only for purposes prescribed in this article.

22 E. At the request of ~~a~~ THE person who submitted the document, the
23 secretary of state may transmit the information received regarding the
24 health care directive to the registry system of another jurisdiction as
25 identified by the person.

26 F. FOR THE PURPOSES OF THIS SECTION, "HEALTH CARE PROVIDERS"
27 INCLUDES EMERGENCY MEDICAL SERVICE PROVIDERS AND EMERGENCY SERVICE
28 TECHNICIANS PROVIDING EMERGENCY MEDICAL SERVICES AS DEFINED IN SECTION
29 36-2201.

30 Sec. 2. Section 36-3296, Arizona Revised Statutes, is amended to
31 read:

32 36-3296. Liability; limitation

33 A. Except for acts of gross negligence, wilful misconduct or
34 intentional wrongdoing, this state ~~is~~ AND ITS CONTRACTORS ARE not subject
35 to civil liability for any claims or demands arising out of the
36 administration or operation of, OR THE PROVISION OF ACCESS TO INFORMATION
37 STORED IN, the registry established pursuant to this article.

38 B. This article does not require a health care provider to request
39 from the registry information about whether a patient has executed a
40 health care directive. A health care provider who makes good faith health
41 care decisions in reliance on the provisions of an apparently genuine
42 health care directive received from the registry is immune from criminal

1 and civil liability to the same extent and under the same conditions as
2 prescribed in section 36-3205.

3 C. This article does not affect the duty of a health care provider
4 to provide information to a patient regarding health care directives
5 pursuant to federal law.