

**ARIZONA GOOD SAMARITAN LAW**  
**Article 4, Emergency Aid**

**32-1471. Health care provider and any other person; emergency aid; non liability. Any health care provider licensed or certified to practice as such in this state or elsewhere, or a licensed ambulance attendant, driver or pilot as defined in 41-1831, or any other person who renders emergency care at a public gathering or at the scene of an emergency occurrence gratuitously and in good faith shall not be liable for any civil or other damages as the result of any act or omission by such person rendering the emergency care, or as the result of any act or failure of act to provide or arrange for further medical treatment or care for the injured persons, unless such person, while rendering such emergency care, is guilty of gross negligence. As amended Laws 1978, Ch. 205,1**

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## LEGAL ISSUES IN HEALTHCARE:

**Documentation** - Important record of the problem, assessment and treatment administered to a person. It must be concise and factual information. It is always a legal document.

**Confidentiality** - A person's expectation of privacy as a right means they expect to be protected from disclosure of personal information. Information is not shared with persons not directly involved in the treatment of the person.

**Code of Ethics** - Rules of a Profession, which the individual is expected to follow. These rules define expected behavior and beliefs of the group.

**Advanced Directives** - These are tools to document a person's choices regarding "End of Life" treatment. Arizona Law covering this is ARS Title 36, Chapter 32. Individuals can review this at <http://www.azleg.state.az.us/ars/36/title36.htm>.

The need for direction was addressed in 1990 with the "Patient Self determination Act". This is a federal law, which mandates access to education of state laws regarding the right to make health care decisions. In 1991, (amended in 1994) Arizona Advance Directive Law provides guidelines for individuals and health care providers regarding the recognition of the individual right to make "end of life" decisions. The law gives specific information regarding issues dealing with prehospital care and administration of fluids, both Intravenous or gastric feedings through tubes.

There are four components of the Arizona Law:

1. **Medical Power of Attorney** - Written designation of a person to make medical decisions for a person if they are not capable of doing this for their self. This means that the person may be unconscious or Determined to be incompetent mentally.
2. **Guidance Document** - Also called a **Living Will** or **Advanced Directive**. This document gives direction about life saving or prolonging procedures such as CPR, Defibrillation or placement on a ventilator in situations where there is no chance of recovery. Two or more Physicians with documentation must have determined the person that the condition is terminal.
3. **Prehospital Directive** - A bright orange form that identifies the patient, states they are aware that without emergency treatment such as CPR, Defibrillation or mechanical ventilation they will die. There should be a picture of the patient on the form. They may have an orange wallet card or an orange band around the arm or ankle.

4. Surrogate List - If the person does not have written authorization for who they want to make decisions, the law defines who can give permission for care. They are as follows:

1. Spouse (as long as not divorced or separated)
2. Adult child or majority of children if more than one.
3. Parents
4. Domestic Partner
5. Brother or Sister
6. Close friend who is familiar with the person's wishes and has exhibited special care and concern for the person.
7. The physician with a second opinion or the consultation with a bioethics committee.

Laws related to Abuse:

Child Abuse: 1985 – Federal Child Abuse Prevention and Treatment Act (42U.S.C. Section #510 Supp.1987)

This is a federal law, which requires reporting of physical and/or mental injury under circumstances, which indicate that a child health or welfare is threatened or harmed. In Arizona, health care workers are to report to Child Protective Services any suspected abuse. Documentation of the assessment of wounds or behavior, which suggest abuse, is very important. The child rights are protected by the agency in regards to privacy and confidentiality.

Domestic Violence: Any person who threatens or does physical or mental harm to someone they live with is violating the laws regarding "assault and/or battery". In 1994, the Violence Against Women Act was passed to give state and federal courts the power to give orders of protection for both in state and between states. Police department and law enforcement agencies are mandated to follow up on any call relating to these orders. Health care personnel are also mandated to report incidents to the police departments, even if the patient does not wish follow up, so they can be aware of potential problems in the community.

Elder Abuse: This is defined as physical abuse, neglect, intimidation, cruel punishment, financial abuse, abandonment, or other treatment which results in harm, pain, mental suffering, or deprivation of goods or services by the custodian. This can be classified as:

1. "Passive neglect" - Well meaning Caregiver just cannot meet the elderly persons needs.
2. "Active neglect" - The caregiver maliciously over medicates, under medicates or withholds basic necessities for life.
3. "Psychological Abuse" - Intimidating behavior and constantly using profanity to the person.

4. "Financial Abuse" - Caregiver spends the elder's funds inappropriately or refuses to spend money on patient that would provide for things that are essential to medical or everyday well being.
5. "Physical Abuse" - This includes sexual abuse, battery or any physical action which affects the dignity of the elder person.

Health care workers who suspect Elder abuse are mandated to report the situation to Adult Protective Service. This is a state agency, which investigates and advocates for the elder who is not able to have control of their situation due physical or mental incapacities.