

House Engrossed

emergency services; prudent layperson; definition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2093

AN ACT

AMENDING SECTION 20-2801, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 20-2801, Arizona Revised Statutes, is amended to
3 read:

4 20-2801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Coverage" means the contractual obligation of a health care
7 services plan to pay its enrollee or a contracted or noncontracted
8 provider for medically necessary emergency services rendered by the
9 provider to an enrollee, as specified in the governing agreement, contract
10 or policy between the plan and the enrollee, subject to applicable
11 copayments, coinsurance and deductibles.

12 2. "Emergency ambulance services" means services **THAT ARE** provided
13 by an ambulance service authorized to operate pursuant to title 36,
14 chapter 21.1 following the onset of a medical condition that manifests
15 itself by symptoms of pain, illness or injury that the absence of
16 accessing an ambulance or emergency response by calling 911 or a
17 designated telephone number to reach a public safety answering point and
18 receiving time sensitive medical attention could reasonably be expected to
19 result in any of the following:

20 (a) Placing the health of the individual or, with respect to a
21 pregnant woman, the health of her unborn child, in serious jeopardy.

22 (b) Serious impairment to bodily functions.

23 (c) Serious dysfunction of any bodily organ or part.

24 3. "Emergency services" means health care services that are
25 provided to an enrollee in a licensed hospital emergency facility by a
26 provider after the recent onset of a medical condition that manifests
27 itself by symptoms of sufficient severity ~~that~~, **INCLUDING SEVERE PAIN,**
28 **SUCH THAT A PRUDENT LAYPERSON WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH**
29 **AND MEDICINE COULD REASONABLY EXPECT** the absence of immediate medical
30 attention ~~could reasonably be expected~~ to result in any of the following:

31 (a) Serious jeopardy to the patient's health, **INCLUDING MENTAL**
32 **HEALTH.**

33 (b) Serious impairment to ~~bodily functions~~ **A BODILY FUNCTION OF THE**
34 **PATIENT.**

35 (c) Serious dysfunction of any bodily organ or part **OF THE PATIENT.**

36 (d) **HARM TO THE PATIENT OR OTHERS.**

37 4. "Enrollee" means an individual, or a dependent of that
38 individual, who is currently enrolled with and covered by a health care
39 services plan.

40 5. "Health care services plan":

41 (a) Means a plan **THAT IS** offered by a disability insurer, group
42 disability insurer, blanket disability insurer, health care services
43 organization, hospital service corporation or medical service corporation
44 that contractually agrees to pay or make reimbursement for health care
45 expenses for one or more individuals residing in Arizona. ~~but~~

1 (b) Does not apply to benefits THAT ARE provided under limited
2 benefit coverage as defined in section 20-1137.

3 6. "Prior authorization":

4 (a) Means authorization by telephone or ~~telefacsimile~~ FAX THAT IS
5 given in advance of the performance of an emergency service on an
6 enrollee, ~~by~~ by a health care services plan after ~~receipt of~~ RECEIVING
7 necessary medical and enrollment information on the enrollee. ~~Prior~~
8 ~~authorization shall~~

9 (b) IS not ~~be considered as~~ a guarantee of full payment.

10 7. "Provider" means any physician, hospital or other person that is
11 licensed or otherwise authorized to furnish emergency services in this
12 state.