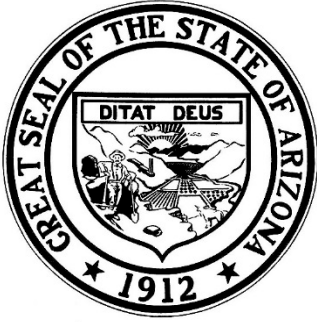




Bill Number: S.B. 1054

Rogers Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Requires hyperbaric oxygen therapy (HBOT) offered by an assisted living home or assisted living center (assisted living facility) to be administered through a Class II mild hyperbaric oxygen chamber that is registered by the U.S. Food and Drug Administration (FDA) for home use.
2. Requires assisted living facilities offering HBOT to ensure all HBOT provided is ordered by a physician and that a staff member who has received manufacturer-approved training is on-site any time a resident receives HBOT.
3. Requires assisted living facilities offering HBOT to provide notice to each resident receiving treatment that:
 - a) includes known information about contraindications and risks of HBOT;
 - b) recommends consultation with the resident's treating physician about any personal health risks; and
 - c) the device is FDA-approved to treat mild symptoms consistent with acute mountain sickness and that other use is considered off-label.
4. Prohibits an assisted living facility from offering HBOT to a resident requiring directed care services unless the HBOT is ordered by the resident's treating physician and the resident or an authorized representative provides informed consent.
5. Allows the Department of Health Services to adopt any necessary rules for the purposes of assisted living facility use of HBOT.

ROGERS FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1054
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-420.06, to read:

4 36-420.06. Assisted living; residents; mild hyperbaric oxygen
5 therapy; physician orders; informed consent;
6 rules

7 [A.] NOTWITHSTANDING ANY OTHER LAW, ASSISTED LIVING HOMES AND
8 ASSISTED LIVING CENTERS MAY [PROVIDE] [OFFER MILD] HYPERBARIC OXYGEN
9 THERAPY TO THEIR RESIDENTS [THROUGH THE USE OF A CLASS II MILD HYPERBARIC
10 OXYGEN CHAMBER THAT HAS BEEN REGISTERED UNDER SECTION 510(k) OF THE
11 FEDERAL FOOD, DRUG, AND COSMETIC ACT (52 STAT. 1040; 21 UNITED STATES CODE
12 SECTION 1 THROUGH 905) FOR HOME USE AS PRESCRIBED BY OR UNDER THE
13 DIRECTION OF A PHYSICIAN AND FROM WHICH RESIDENTS ARE ABLE TO
14 INDEPENDENTLY EXTRICATE THEMSELVES].

15 [B. AN ASSISTED LIVING HOME OR ASSISTED LIVING CENTER THAT OFFERS
16 MILD HYPERBARIC OXYGEN THERAPY TO ITS RESIDENTS PURSUANT TO THIS SECTION
17 SHALL:

18 1. ENSURE THAT THE USE OF THE MILD HYPERBARIC OXYGEN THERAPY BY
19 RESIDENTS IS PROVIDED ONLY ON THE ORDER OF A PHYSICIAN.

20 2. ENSURE THAT A FACILITY STAFF MEMBER WHO HAS RECEIVED TRAINING
21 APPROVED BY THE MANUFACTURER IS ON-SITE ANY TIME A RESIDENT RECEIVES MILD
22 HYPERBARIC OXYGEN THERAPY.

23 3. PROVIDE A NOTICE TO EACH RESIDENT WHO RECEIVES MILD HYPERBARIC
24 OXYGEN THERAPY THAT THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS
25 APPROVED THE DEVICE TO TREAT MILD SYMPTOMS CONSISTENT WITH ACUTE MOUNTAIN
26 SICKNESS AND THAT ANY OTHER USE IS CONSIDERED OFF-LABEL. THE NOTICE SHALL
27 PROVIDE KNOWN INFORMATION ABOUT CONTRAINDICATIONS AND RISKS AND RECOMMEND
28 THAT THE RESIDENT CONSULT THE RESIDENT'S TREATING PHYSICIAN ABOUT ANY
29 PERSONAL HEALTH RISKS.

1 C. AN ASSISTED LIVING HOME OR ASSISTED LIVING CENTER MAY NOT OFFER
2 MILD HYPERBARIC OXYGEN THERAPY TO A RESIDENT WHO REQUIRES DIRECTED CARE
3 SERVICES UNLESS THE THERAPY IS PROVIDED ON THE ORDER OF THE RESIDENT'S
4 TREATING PHYSICIAN AND THE RESIDENT OR THE RESIDENT'S AUTHORIZED
5 REPRESENTATIVE PROVIDES INFORMED CONSENT.
6 D. THE DEPARTMENT MAY ADOPT ANY NECESSARY RULES FOR THE PURPOSES OF
7 THIS SECTION.]

8 Enroll and engross to conform
9 Amend title to conform

WENDY ROGERS

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C: MH