

REFERENCE TITLE: **psychiatric assessment; nurse practitioners; reporting**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2098

Introduced by
Representatives Cobb: Udall

AN ACT

AMENDING SECTION 8-272, ARIZONA REVISED STATUTES; RELATING TO CHILDREN'S MENTAL HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-272, Arizona Revised Statutes, is amended to
3 read:

4 8-272. Psychiatric acute care services; outpatient and
5 inpatient assessments; definitions

6 A. If a child exhibits behavior that indicates the child may suffer
7 from a mental disorder or is a danger to self or others, an entity may
8 request that the child receive an outpatient assessment or inpatient
9 assessment.

10 B. A psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE**
11 **PRACTITIONER**, psychiatrist or physician shall conduct an outpatient
12 assessment at a time and place that is convenient for the psychologist,
13 **PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER**, psychiatrist or
14 physician and the child. At the conclusion of the outpatient assessment,
15 the psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER**,
16 psychiatrist or physician shall recommend that the child be either:

- 17 1. Provided with outpatient treatment services.
- 18 2. Admitted to a psychiatric acute care facility for inpatient
19 assessment or inpatient psychiatric acute care services.
- 20 3. Provided with residential treatment services.
- 21 4. Discharged to the entity without further psychological or
22 psychiatric services because the child does not suffer from a mental
23 disorder, is not a danger to self or others or is not a child with a
24 persistent or acute disability or grave disability.

25 C. A psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE**
26 **PRACTITIONER**, psychiatrist or physician shall conduct an inpatient
27 assessment **AND PROVIDE THE ASSESSMENT TO THE ENTITY** within seventy-two
28 hours after a child is admitted to an inpatient assessment facility,
29 excluding weekends and holidays. At the conclusion of the inpatient
30 assessment, the psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE**
31 **PRACTITIONER**, psychiatrist or physician shall recommend that the child be
32 either:

- 33 1. Admitted to a psychiatric acute care facility for inpatient
34 psychiatric acute care services.
- 35 2. Discharged to an entity and provided with outpatient treatment
36 services.
- 37 3. Provided with residential treatment services.
- 38 4. Discharged to the entity without further psychological or
39 psychiatric services because the child does not suffer from a mental
40 disorder, is not a danger to self or others or is not a child with a
41 persistent or acute disability or grave disability.

42 D. Within twenty-four hours after a child is admitted for an
43 inpatient assessment, excluding weekends and holidays, the entity shall
44 file a motion for approval of admission for inpatient assessment with the
45 juvenile court. The motion shall include all of the following:

- 1 1. The name and address of the inpatient assessment facility.
- 2 2. The name of the psychologist, **PSYCHIATRIC AND MENTAL HEALTH**
- 3 **NURSE PRACTITIONER**, psychiatrist or physician who is likely to perform the
- 4 inpatient assessment.
- 5 3. The date and time the child was admitted to the inpatient
- 6 assessment facility.
- 7 4. A short statement explaining why the child needs an inpatient
- 8 assessment.
- 9 E. An entity that files a motion under subsection D of this section
- 10 shall provide a copy of the motion to all of the parties and their
- 11 attorneys. The court shall rule on the motion without response from any
- 12 party, except that any party may request a hearing to review the child's
- 13 admission for an inpatient assessment. If the court grants a hearing, the
- 14 court shall set the hearing on an accelerated basis.
- 15 F. If the psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE**
- 16 **PRACTITIONER**, psychiatrist or physician who performed the outpatient
- 17 assessment or inpatient assessment of the child recommends that the child
- 18 receive inpatient acute care psychiatric services, the entity may file a
- 19 motion for inpatient psychiatric acute care services with the juvenile
- 20 court. If the psychologist, **PSYCHIATRIC AND MENTAL HEALTH NURSE**
- 21 **PRACTITIONER**, psychiatrist or physician makes this recommendation after
- 22 conducting an inpatient assessment, the entity shall file the motion for
- 23 inpatient psychiatric acute care services ~~within~~ **NOT LATER THAN**
- 24 twenty-four hours after ~~the completion of~~ **RECEIVING** the inpatient
- 25 assessment, excluding weekends and holidays. The motion shall include all
- 26 of the following:
 - 27 1. A copy of the written report of the results of the inpatient
 - 28 assessment or outpatient assessment, including:
 - 29 (a) The reason why inpatient psychiatric acute care services are in
 - 30 the child's best interests.
 - 31 (b) The reason why inpatient psychiatric acute care services are
 - 32 the least restrictive available treatment.
 - 33 (c) A diagnosis of the child's condition that requires inpatient
 - 34 psychiatric acute care services.
 - 35 (d) The estimated length of time that the child will require
 - 36 inpatient psychiatric acute care services.
 - 37 2. A written statement from the medical director of the proposed
 - 38 inpatient psychiatric acute care facility or the medical director's
 - 39 designee that the facility's services are appropriate to meet the child's
 - 40 mental health needs.
 - 41 G. As soon as practicable after the filing of a motion under
 - 42 subsection D or F of this section, the court shall appoint an attorney for
 - 43 the child if an attorney has not been previously appointed. The court may
 - 44 also appoint a guardian ad litem for the child.

1 H. If a motion is filed pursuant to subsection F of this section,
2 the court shall hold a hearing on the motion within seventy-two hours
3 after the motion is filed, excluding weekends and holidays. If the child
4 has been admitted for an inpatient assessment, the child may remain at the
5 inpatient assessment facility until the court rules on the motion.

6 I. If a child is admitted for an inpatient assessment and an entity
7 fails to file a motion pursuant to and within the time limit prescribed in
8 subsection F of this section, the child shall be discharged from the
9 inpatient assessment facility.

10 J. If the court approves the admission of the child for inpatient
11 psychiatric acute care services, the court shall find by clear and
12 convincing evidence that both:

13 1. The child is suffering from a mental disorder or is a danger to
14 self or others and requires inpatient psychiatric acute care services.

15 2. Available alternatives to inpatient psychiatric acute care
16 services were considered, but that inpatient psychiatric acute care
17 services are the least restrictive available alternative.

18 K. The court shall review the child's continuing need for inpatient
19 psychiatric acute care services at least every sixty days after the date
20 of the treatment order. The inpatient psychiatric acute care facility
21 shall submit a progress report to the court at least five days before the
22 review and shall provide copies of the progress report to all of the
23 parties, including the child's attorney and guardian ad litem. On its own
24 motion or on the motion of a party, the court may hold a hearing on the
25 child's continuing need for inpatient psychiatric acute care services. If
26 requested by the child, the court shall hold a hearing unless the court
27 has held a review hearing within sixty days before the child's request.
28 If requested by the child, the court may hold a hearing at any time for
29 good cause shown. The progress report shall make recommendations and
30 shall include at least the following:

31 1. The nature of the treatment provided, including any medications
32 and the child's current diagnosis.

33 2. The child's need for continued inpatient psychiatric acute care
34 services, including the estimated length of the services.

35 3. A projected discharge date.

36 4. The level of care required by the child and the potential
37 placement options that are available to the child on discharge.

38 5. A statement from the medical director of the inpatient
39 psychiatric acute care facility or the medical director's designee as to
40 whether inpatient psychiatric acute care services are necessary to meet
41 the child's mental health needs and whether the facility that is providing
42 the inpatient psychiatric acute care services to the child is the least
43 restrictive available alternative.

44 L. If a child is transferred from an inpatient psychiatric acute
45 care facility to another inpatient psychiatric acute care facility, no new

1 inpatient assessment or outpatient assessment is required. Unless the
2 court orders otherwise due to an emergency, an entity shall file a notice
3 of transfer with the juvenile court at least five days before the transfer
4 of the child. The notice shall include all of the following:

5 1. The name and address of the facility to which the child is being
6 transferred and the date of the transfer.

7 2. A statement from the medical director of the receiving inpatient
8 psychiatric acute care facility or the medical director's designee that
9 the receiving facility is an appropriate facility to meet the child's
10 mental health needs and that it is the least restrictive available
11 alternative.

12 3. A statement that the entity has contacted the child's attorney
13 or guardian ad litem and whether the child or the child's attorney or
14 guardian ad litem opposes the transfer.

15 M. Any party may request a hearing to review the transfer of a
16 child to another inpatient psychiatric acute care facility pursuant to
17 subsection L of this section.

18 N. Within fifteen days after a child is discharged, the inpatient
19 psychiatric acute care facility shall prepare a discharge summary. Within
20 twenty days after a child is discharged, an entity shall file a notice of
21 discharge with the juvenile court. The notice shall include:

22 1. A statement of the child's current placement.

23 2. A statement of the mental health services that are being
24 provided to the child and the child's family.

25 3. A copy of the discharge summary that is prepared by a mental
26 health professional.

27 O. When possible, the child's attorney shall communicate with the
28 child within twenty-four hours after a motion is filed pursuant to
29 subsection D or F of this section, excluding weekends and holidays. The
30 child's attorney shall discuss treatment recommendations and shall advise
31 the child of the child's right to request a hearing. The child's attorney
32 or designee shall attend all court hearings related to the child's
33 inpatient assessment or inpatient psychiatric acute care services and
34 shall be prepared to report to the court the child's position on any
35 recommended assessments or treatment. The child may attend any hearing
36 unless the court finds by a preponderance of the evidence that allowing
37 the child to attend would not be in the child's best interests.

38 P. If the child is a dually adjudicated child, the entity that
39 requests an order for inpatient psychiatric acute care services shall
40 notify any other entity of all notices, motions, hearings or other
41 proceedings related to the provision of inpatient psychiatric acute care
42 services. Any entity may attend and participate in all hearings or other
43 proceedings relating to the provision of inpatient psychiatric acute care
44 services to a dually adjudicated child.

1 Q. Section 8-273 applies if residential treatment services are
2 recommended after an inpatient assessment or outpatient assessment or any
3 inpatient psychiatric acute care treatment. Section 8-341.01 applies if a
4 child who is adjudicated delinquent or incorrigible and who is subject to
5 the jurisdiction of the juvenile court requires residential treatment
6 services. Section 41-2815 applies if a child who is committed to the
7 department of juvenile corrections requires residential treatment
8 services.

9 R. Information and records that are obtained or created in the
10 course of any assessment, examination or treatment are subject to the
11 confidentiality requirements of section 36-509, except that information
12 and records may be provided to the department of juvenile corrections
13 pursuant to section 8-341.

14 S. For the purposes of this section: ~~;~~

15 1. "Child" means a person who is under eighteen years of age or, if
16 the juvenile court has retained jurisdiction over the person pursuant to
17 section 8-202, subsection H, under nineteen years of age and who is
18 either:

19 ~~1.~~ (a) Found to be dependent or temporarily subject to court
20 jurisdiction pending an adjudication of a dependency petition.

21 ~~2.~~ (b) In the temporary custody of the department pursuant to
22 section 8-821.

23 ~~3.~~ (c) Detained in a juvenile court detention facility.

24 ~~4.~~ (d) Committed to the department of juvenile corrections.

25 ~~5.~~ (e) Found to be delinquent and subject to probation
26 supervision.

27 2. "PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER" HAS THE SAME
28 MEANING PRESCRIBED IN SECTION 36-501.