

House Engrossed Senate Bill

mentally ill; transportation; evaluation; treatment

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1210

AN ACT

AMENDING SECTION 36-501, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-503.02; AMENDING TITLE 36, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-510.01; AMENDING SECTIONS 36-523, 36-524, 36-525, 36-529, 36-533 AND 36-536, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 21.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2234.01; RELATING TO 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 36-501, Arizona Revised Statutes, is amended to
3 read:

4 36-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment
7 system administration.

8 2. "Admitting officer" means a psychiatrist or other physician or
9 psychiatric and mental health nurse practitioner with experience in
10 performing psychiatric examinations who has been designated as an
11 admitting officer of the evaluation agency by the person in charge of the
12 evaluation agency.

13 3. "AUTHORIZED TRANSPORTER" MEANS A TRANSPORTATION ENTITY THAT IS
14 CONTRACTED WITH A CITY, TOWN OR COUNTY TO PROVIDE SERVICES PURSUANT TO
15 THIS CHAPTER AND THAT IS EITHER:

16 (a) AN AMBULANCE SERVICE THAT HOLDS A VALID CERTIFICATE OF
17 NECESSITY.

18 (b) A TRANSPORTATION PROVIDER AUTHORIZED BY THIS STATE TO PROVIDE
19 SAFE BEHAVIORAL HEALTH TRANSPORTATION FOR INDIVIDUALS REQUIRING
20 TRANSPORTATION PURSUANT TO THIS CHAPTER.

21 ~~3.~~ 4. "Chief medical officer" means the chief medical officer
22 under the supervision of the superintendent of the state hospital.

23 ~~4.~~ 5. "Contraindicated" means that access is reasonably likely to
24 endanger the life or physical safety of the patient or another person.

25 ~~5.~~ 6. "Court" means the superior court in the county in this state
26 in which the patient resides or was found before screening or emergency
27 admission under this title.

28 ~~6.~~ 7. "Criminal history" means police reports, lists of prior
29 arrests and convictions, criminal case pleadings and court orders,
30 including a determination that the person has been found incompetent to
31 stand trial pursuant to section 13-4510.

32 ~~7.~~ 8. "Danger to others" means that the judgment of a person who
33 has a mental disorder is so impaired that the person is unable to
34 understand the person's need for treatment and as a result of the person's
35 mental disorder the person's continued behavior can reasonably be
36 expected, on the basis of competent medical opinion, to result in serious
37 physical harm.

38 ~~8.~~ 9. "Danger to self":

39 (a) Means behavior that, as a result of a mental disorder:

40 (i) Constitutes a danger of inflicting serious physical harm on
41 oneself, including attempted suicide or the serious threat thereof, if the
42 threat is such that, when considered in the light of its context and in
43 light of the individual's previous acts, it is substantially supportive of
44 an expectation that the threat will be carried out.

1 (ii) Without hospitalization will result in serious physical harm
2 or serious illness to the person.

3 (b) Does not include behavior that establishes only the condition
4 of having a grave disability.

5 ~~9.~~ 10. "Department" means the department of health services.

6 ~~10.~~ 11. "Detention" means the taking into custody of a patient or
7 proposed patient.

8 ~~11.~~ 12. "Director" means the director of the administration.

9 ~~12.~~ 13. "Evaluation" means:

10 (a) A professional multidisciplinary analysis that may include
11 firsthand observations or remote observations by interactive audiovisual
12 media and that is based on data describing the person's identity,
13 biography and medical, psychological and social conditions carried out by
14 a group of persons consisting of not less than the following:

15 (i) Two licensed physicians, ~~who shall be~~ ARE qualified
16 psychiatrists, if possible, or at least experienced in psychiatric
17 matters, and who shall examine and report their findings independently.
18 The person against whom a petition has been filed shall be notified that
19 the person may select one of the physicians. A psychiatric resident in a
20 training program approved by the American medical association or by the
21 American osteopathic association may examine the person in place of one of
22 the psychiatrists if the resident is supervised in the examination and
23 preparation of the affidavit and testimony in court by a qualified
24 psychiatrist appointed to assist in the resident's training, and if the
25 supervising psychiatrist is available for discussion with the attorneys
26 for all parties and for court appearance and testimony if requested by the
27 court or any of the attorneys.

28 (ii) Two other individuals, one of whom, if available, ~~shall be~~ IS
29 a psychologist and in any event a social worker familiar with mental
30 health and human services that may be available placement alternatives
31 appropriate for treatment. An evaluation may be conducted on an inpatient
32 basis, an outpatient basis or a combination of both, and every reasonable
33 attempt shall be made to conduct the evaluation in any language preferred
34 by the person.

35 (b) A physical examination that is consistent with the existing
36 standards of care and that is performed by one of the evaluating
37 physicians or by or under the supervision of a physician who is licensed
38 pursuant to title 32, chapter 13 or 17 or a registered nurse practitioner
39 who is licensed pursuant to title 32, chapter 15 if the results of that
40 examination are reviewed or augmented by one of the evaluating physicians.

41 ~~13.~~ 14. "Evaluation agency" means a health care agency that is
42 licensed by the department and that has been approved pursuant to this
43 title, providing those services required of such agency by this chapter.

1 ~~14.~~ 15. "Family member" means a spouse, parent, adult child, adult
2 sibling or other blood relative of a person undergoing treatment or
3 evaluation pursuant to this chapter.

4 ~~15.~~ 16. "Grave disability" means a condition evidenced by behavior
5 in which a person, as a result of a mental disorder, is likely to come to
6 serious physical harm or serious illness because the person is unable to
7 provide for the person's own basic physical needs.

8 ~~16.~~ 17. "Health care decision maker" has the same meaning
9 prescribed in section 12-2801.

10 ~~17.~~ 18. "Health care entity" means a health care provider, the
11 department, the administration or a regional behavioral health authority
12 THAT IS under contract with the administration.

13 ~~18.~~ 19. "Health care provider" means a health care institution as
14 defined in section 36-401 that is licensed as a behavioral health provider
15 pursuant to department rules or a mental health provider.

16 ~~19.~~ 20. "Independent evaluator" means a licensed physician,
17 psychiatric and mental health nurse practitioner or psychologist WHO IS
18 selected by the person to be evaluated or by such person's attorney.

19 ~~20.~~ 21. "Informed consent" means a voluntary decision following
20 presentation of all facts necessary to form the basis of an intelligent
21 consent by the patient or guardian with no minimizing of known dangers of
22 any procedures.

23 ~~21.~~ 22. "Least restrictive treatment alternative" means the
24 treatment plan and setting that infringe in the least possible degree with
25 the patient's right to liberty and that are consistent with providing
26 needed treatment in a safe and humane manner.

27 ~~22.~~ 23. "Licensed physician" means any medical doctor or doctor of
28 osteopathy who is either:
29 (a) Licensed in this state.
30 (b) A full-time hospital physician licensed in another state and
31 serving on the staff of a hospital operated or licensed by the United
32 States government.

33 ~~23.~~ 24. "Medical director of an evaluation agency" means a
34 psychiatrist, or other licensed physician experienced in psychiatric
35 matters, who is designated in writing by the governing body of the agency
36 as the person in charge of the medical services of the agency for the
37 purposes of this chapter and may include the chief medical officer of the
38 state hospital.

39 ~~24.~~ 25. "Medical director of a mental health treatment agency"
40 means a psychiatrist, or other licensed physician experienced in
41 psychiatric matters, who is designated in writing by the governing body of
42 the agency as the person in charge of the medical services of the agency
43 for the purposes of this chapter and includes the chief medical officer of
44 the state hospital.

1 ~~25.~~ 26. "Mental disorder" means a substantial disorder of the
2 person's emotional processes, thought, cognition or memory. Mental
3 disorder is distinguished from:

4 (a) Conditions that are primarily those of drug abuse, alcoholism
5 or intellectual disability, unless, in addition to one or more of these
6 conditions, the person has a mental disorder.

7 (b) The declining mental abilities that directly accompany
8 impending death.

9 (c) Character and personality disorders characterized by lifelong
10 and deeply ingrained antisocial behavior patterns, including sexual
11 behaviors that are abnormal and prohibited by statute unless the behavior
12 results from a mental disorder.

13 ~~26.~~ 27. "Mental health provider" means any physician or provider
14 of mental health or behavioral health services WHO IS involved in
15 evaluating, caring for, treating or rehabilitating a patient.

16 ~~27.~~ 28. "Mental health treatment agency" means the state hospital
17 or a health care agency that is licensed by the department and that
18 provides those services that are required of the agency by this chapter.

19 ~~28.~~ 29. "Outpatient treatment" or "combined inpatient and
20 outpatient treatment" means any treatment program not requiring continuous
21 inpatient hospitalization.

22 ~~29.~~ 30. "Outpatient treatment plan" means a treatment plan that
23 does not require continuous inpatient hospitalization.

24 ~~30.~~ 31. "Patient" means any person WHO IS undergoing examination,
25 evaluation or behavioral or mental health treatment under this chapter.

26 ~~31.~~ 32. "Peace officers" means sheriffs of counties, constables,
27 marshals and policemen of cities and towns.

28 ~~32.~~ 33. "Persistent or acute disability" means a severe mental
29 disorder that meets all the following criteria:

30 (a) If not treated has a substantial probability of causing the
31 person to suffer or continue to suffer severe and abnormal mental,
32 emotional or physical harm that significantly impairs judgment, reason,
33 behavior or capacity to recognize reality.

34 (b) Substantially impairs the person's capacity to make an informed
35 decision regarding treatment, and this impairment causes the person to be
36 incapable of understanding and expressing an understanding of the
37 advantages and disadvantages of accepting treatment and understanding and
38 expressing an understanding of the alternatives to the particular
39 treatment offered after the advantages, disadvantages and alternatives are
40 explained to that person.

41 (c) Has a reasonable prospect of being treatable by outpatient,
42 inpatient or combined inpatient and outpatient treatment.

43 ~~33.~~ 34. "Prepetition screening" means the review of each
44 application requesting court-ordered evaluation, including an
45 investigation of facts alleged in ~~such~~ THE application, an interview with

1 each applicant and an interview, if possible, with the proposed
2 patient. The purpose of the interview with the proposed patient is to
3 assess the problem, explain the application and, when indicated, attempt
4 to persuade the proposed patient to receive, on a voluntary basis,
5 evaluation or other services.

6 ~~34.~~ 35. "Prescribed form" means a form established by a court or
7 the rules of the administration in accordance with the laws of this state.

8 ~~35.~~ 36. "Professional" means a physician who is licensed pursuant
9 to title 32, chapter 13 or 17, a psychologist who is licensed pursuant to
10 title 32, chapter 19.1 or a psychiatric and mental health nurse
11 practitioner who is certified pursuant to title 32, chapter 15.

12 ~~36.~~ 37. "Proposed patient" means a person for whom an application
13 for evaluation has been made or a petition for court-ordered evaluation
14 has been filed.

15 ~~37.~~ 38. "Prosecuting agency" means the county attorney, attorney
16 general or city attorney who applied or petitioned for an evaluation or
17 treatment pursuant to this chapter.

18 ~~38.~~ 39. "Psychiatric and mental health nurse practitioner" means a
19 registered nurse practitioner as defined in section 32-1601 who has
20 completed an adult or family psychiatric and mental health nurse
21 practitioner program and who is certified as an adult or family
22 psychiatric and mental health nurse practitioner by the state board of
23 nursing.

24 ~~39.~~ 40. "Psychiatrist" means a licensed physician who has
25 completed three years of graduate training in psychiatry in a program
26 approved by the American medical association or the American osteopathic
27 association.

28 ~~40.~~ 41. "Psychologist" means a person who is licensed under title
29 32, chapter 19.1 and who is experienced in the practice of clinical
30 psychology.

31 ~~41.~~ 42. "Records" means all communications that are recorded in
32 any form or medium and that relate to patient examination, evaluation or
33 behavioral or mental health treatment. Records include medical records
34 that are prepared by a health care provider or other providers. Records
35 do not include:

36 (a) Materials that are prepared in connection with utilization
37 review, peer review or quality assurance activities, including records
38 that a health care provider prepares pursuant to section 36-441, 36-445,
39 36-2402 or 36-2917.

40 (b) Recorded telephone and radio calls to and from a publicly
41 operated emergency dispatch office relating to requests for emergency
42 services or reports of suspected criminal activity.

43 ~~42.~~ 43. "Regional behavioral health authority" has the same
44 meaning prescribed in section 36-3401.

1 D. FOR THE PURPOSES OF THIS CHAPTER, AN EVALUATION AGENCY OR MENTAL
2 HEALTH TREATMENT AGENCY AUTHORIZING THE USE OF AN AUTHORIZED TRANSPORTER
3 IS NOT FINANCIALLY RESPONSIBLE FOR THE USE OF THE AUTHORIZED TRANSPORTER.

4 Sec. 3. Title 36, chapter 5, article 2, Arizona Revised Statutes,
5 is amended by adding section 36-510.01, to read:

6 36-510.01. Notice; personal service of process

7 A. A PERSON WHO IS ORDERED TO UNDERGO INVOLUNTARY EVALUATION HAS
8 THE RIGHT TO RECEIVE BY PERSONAL SERVICE THE DOCUMENTS SPECIFIED IN
9 SECTION 36-529, SUBSECTION E. A PERSON WHO IS THE SUBJECT OF A PETITION
10 FOR COURT-ORDERED TREATMENT HAS THE RIGHT TO RECEIVE BY PERSONAL SERVICE
11 THE DOCUMENTS SPECIFIED IN SECTION 36-536, SUBSECTION D. PERSONAL SERVICE
12 SHALL BE COMPLETED BY A PEACE OFFICER, A PROCESS SERVER OR ANOTHER PERSON
13 AUTHORIZED BY RULE 4, ARIZONA RULES OF CIVIL PROCEDURE, PERSONALLY HANDING
14 THE DOCUMENTS TO THE PERSON RECEIVING SERVICE. THE PERSON WHO SERVES THE
15 SPECIFIED DOCUMENTS MUST FILE A PROOF OF SERVICE WITH THE COURT THAT
16 SPECIFIES THE DATE, TIME AND MANNER OF SERVICE.

17 B. A COUNTY, CITY OR TOWN THAT EMPLOYS PEACE OFFICERS MAY CONTRACT
18 WITH A PROCESS SERVER OR ANOTHER PERSON AUTHORIZED BY RULE 4, ARIZONA
19 RULES OF CIVIL PROCEDURE, TO PROVIDE SERVICE PURSUANT TO THIS SECTION
20 INSTEAD OF SERVICE BY A PEACE OFFICER.

21 C. AN EVALUATION AGENCY IS NOT FINANCIALLY RESPONSIBLE FOR SERVING
22 THE DOCUMENTS REQUIRED BY SECTION 36-529, SUBSECTION E OR SECTION 36-536,
23 SUBSECTION D.

24 Sec. 4. Section 36-523, Arizona Revised Statutes, is amended to
25 read:

26 36-523. Petition for evaluation

27 A. The petition for evaluation shall contain the following:

28 1. The name, address and interest in the case of the individual who
29 applied for the petition.

30 2. The name, and address if known, of the proposed patient for whom
31 evaluation is petitioned.

32 3. The present whereabouts of the proposed patient, if known.

33 4. A statement alleging that there is reasonable cause to believe
34 that the proposed patient has a mental disorder and is as a result a
35 danger to self or others, has a persistent or acute disability or a grave
36 disability and is unwilling or unable to undergo voluntary evaluation.

37 5. A summary of the facts that support the allegations that the
38 proposed patient is dangerous, has a persistent or acute disability or a
39 grave disability and is unwilling or unable to be voluntarily evaluated,
40 including the facts that brought the proposed patient to the screening
41 agency's attention.

42 6. If the petition is filed by a prosecutor pursuant to section
43 13-4517, ~~the petition shall include~~ any known criminal history of the
44 proposed patient, including whether the proposed patient has ever been
45 found incompetent to stand trial pursuant to section 13-4510.

1 7. A STATEMENT OF ANY FACTS AND CIRCUMSTANCES THAT LEAD THE
2 PETITIONER TO BELIEVE THAT THE PROPOSED PATIENT MAY BE SAFELY TRANSPORTED
3 TO THE EVALUATION AGENCY BY AN AUTHORIZED TRANSPORTER, IF AVAILABLE IN THE
4 JURISDICTION, WITHOUT THE ASSISTANCE OF A PEACE OFFICER.

5 ~~7.~~ 8. Other information that the director by rule or the court by
6 rule or order may require.

7 B. The petition shall request that the court issue an order
8 requiring that the proposed patient be given an evaluation and shall
9 advise the court of both of the following:

10 1. That the opinion of the petitioner is either that the proposed
11 patient is or is not in such a condition that without immediate or
12 continuing hospitalization the patient is likely to suffer serious
13 physical harm or further deterioration or inflict serious physical harm on
14 another person.

15 2. If the opinion of the petitioner is that the proposed patient is
16 not in the condition described in paragraph 1 of this subsection, that the
17 opinion of the petitioner is either that the evaluation should or should
18 not take place on an outpatient basis.

19 C. The petition for evaluation shall be accompanied by the
20 application for evaluation, by the recommendation of the county attorney
21 pursuant to section 36-521 and by a prepetition screening report, unless
22 the documents have not been prepared under a provision of law or in
23 accordance with an order of the court. The petition for evaluation shall
24 also be accompanied by a copy of the application for emergency admission
25 if one exists.

26 D. A petition and other forms required in a court may be filed only
27 by the screening agency that has prepared the petition.

28 E. If the petition is not filed because it has been determined that
29 the person does not need an evaluation, the agency after a period of six
30 months shall destroy the petition and the various reports annexed to the
31 petition as required by this section.

32 F. If the petition is not filed because it has been determined that
33 the person does not need an evaluation and a prosecutor filed a petition
34 pursuant to section 13-4517, the person shall be remanded for a
35 disposition pursuant to section 13-4517. If the person is out of custody,
36 the court may order that the person be taken into custody for a
37 disposition pursuant to this section.

38 Sec. 5. Section 36-524, Arizona Revised Statutes, is amended to
39 read:

40 36-524. Application for emergency admission for evaluation;
41 requirements; immunity

42 A. A written application for emergency admission shall be made to
43 an evaluation agency before a person may be hospitalized in the agency.

1 B. The application for emergency admission shall be made by a
2 person with knowledge of the facts requiring emergency admission. The
3 applicant may be a relative or friend of the person, a peace officer, the
4 admitting officer or another responsible person.

5 C. The application shall be ~~upon~~ MADE ON a prescribed form and
6 shall include the following:

7 1. A statement by the applicant that ~~he~~ THE APPLICANT believes on
8 the basis of personal observation that the person ~~is~~, as a result of a
9 mental disorder, IS a danger to self or others and that during the time
10 necessary to complete the prepetition screening procedures set forth in
11 sections 36-520 and 36-521 the person is likely without immediate
12 hospitalization to suffer serious physical harm or serious illness or is
13 likely to inflict serious physical harm ~~upon~~ ON another person.

14 2. The specific nature of the danger.

15 3. A summary of the observations ~~upon~~ ON which the statement of
16 danger is based.

17 4. The signature of the applicant.

18 D. A telephonic application may be made ~~no~~ NOT more than
19 twenty-four hours ~~prior to~~ BEFORE a written application. A telephonic
20 application shall be made by or in the presence of a peace officer unless
21 the application is made by a health care ~~provider~~ PROFESSIONAL who is
22 licensed pursuant to title 32, chapter 13, 15, 17 or 19.1 and who is
23 directly involved with the care of a patient who is in a health care
24 ~~facility~~ INSTITUTION licensed in this state. For an application made by a
25 ~~doctor or a nurse, the original signature of the applicant on a facsimile~~
26 PEACE OFFICER OR A HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO
27 TITLE 32, CHAPTER 13, 15, 17 OR 19.1, A copy of the application THAT
28 CONTAINS THE APPLICANT'S ORIGINAL SIGNATURE is acceptable, does not have
29 to be notarized and may be submitted as the written application.

30 E. If the person to be admitted is not already present at the
31 evaluation agency and if the admitting officer, based ~~upon~~ ON A review of
32 the written or telephonic application and conversation with the applicant
33 and peace officer, has reasonable cause to believe that an emergency
34 examination is necessary, the admitting officer may advise the peace
35 officer, ~~that~~ that sufficient grounds exist to take the person into custody
36 and to transport the person to the evaluation agency. THE PEACE OFFICER,
37 ON THE REQUEST OF THE ADMITTING OFFICER OF THE EVALUATION AGENCY PURSUANT
38 TO THIS SUBSECTION, SHALL APPREHEND AND TRANSPORT THE PERSON TO THE
39 EVALUATION AGENCY. The admitting officer shall not be held civilly liable
40 for any acts committed by a person whom the admitting officer did not
41 advise TO be taken into custody if the admitting officer has in good faith
42 followed the requirements of this section.

1 Sec. 6. Section 36-525, Arizona Revised Statutes, is amended to
2 read:

3 36-525. Apprehension and transportation by peace officers;
4 immunity

5 ~~A. A peace officer, on the advice of the admitting officer of the~~
6 ~~evaluation agency pursuant to section 36-524, subsection E, shall~~
7 ~~apprehend and transport a person to an evaluation agency.~~

8 ~~B. A. In those instances in which~~ IF the procedures set forth in
9 section 36-524 are not available, a peace officer may take into custody
10 any individual the peace officer has probable cause to believe is, as a
11 result of mental disorder, a danger to self or others, and ~~that~~ IF during
12 the time necessary to complete the prepetition screening procedures set
13 forth in sections 36-520 and 36-521 the person is likely without immediate
14 hospitalization to suffer serious physical harm or serious illness or to
15 inflict serious physical harm on another person. The peace officer shall
16 transport the person to a screening agency unless the person's condition
17 or the agency's location or hours makes such transportation impractical,
18 in which event the person shall be transported to an evaluation agency. A
19 peace officer is not held civilly liable for any acts committed by a
20 person whom the peace officer has not taken into custody pursuant to this
21 section.

22 ~~C. B.~~ If apprehension takes place on or about the premises of the
23 apprehended person, the officer shall take reasonable precautions to
24 safeguard the premises and the property ~~thereon~~ ON THE PREMISES, unless
25 ~~such~~ THE property and premises are in the possession of a responsible
26 relative or guardian.

27 ~~D. C.~~ A peace officer who makes a good faith effort to follow the
28 requirements of this section is not subject to civil liability.

29 Sec. 7. Section 36-529, Arizona Revised Statutes, is amended to
30 read:

31 36-529. Order for evaluation; order for detention; hearing;
32 personal service of court orders

33 A. If, from the review of the petition for evaluation, the court
34 does not determine that the proposed patient is likely to present a danger
35 to self or others or further deteriorate before the proposed patient's
36 hearing on court-ordered treatment, but determines that there is
37 reasonable cause to believe that the proposed patient is, as a result of a
38 mental disorder, a danger to self or others or has a persistent or acute
39 disability or a grave disability, the court shall issue an order directing
40 the proposed patient to submit to an evaluation at a designated time and
41 place, specifying that the evaluation will take place on an inpatient or
42 an outpatient basis. The court may also order that, if the person does
43 not or cannot so submit, the person be taken into custody by a peace
44 officer and delivered to an evaluation agency. If the court makes such a
45 conditional order, it shall also make a conditional appointment of counsel

1 for the person to become effective when and if the person is taken into
2 custody pursuant to this section.

3 B. If, from review of the petition for evaluation, there is
4 reasonable cause to believe that the proposed patient is, as a result of a
5 mental disorder, a danger to self or others or has a persistent or acute
6 disability or a grave disability and that the person requires immediate or
7 continued hospitalization before the proposed patient's hearing on
8 court-ordered treatment, the court shall order the proposed patient taken
9 into custody and evaluated at an evaluation agency. The court shall
10 promptly appoint counsel for the proposed patient. If an intercounty
11 agreement authorizes the same, the court may order that the evaluation be
12 conducted in another county, and the superior court in the county where
13 the evaluation is conducted ~~shall have~~ HAS concurrent jurisdiction to make
14 appropriate orders concerning the proposed patient.

15 C. If the person is not taken into custody or if the evaluation
16 pursuant to the order of the court under subsection A or B of this section
17 is not initiated within fourteen days ~~from~~ AFTER the date of the order,
18 the order and petition for evaluation ~~shall~~ expire. If a prosecutor filed
19 a petition pursuant to section 13-4517, the court and the prosecuting
20 agency shall receive notice of the expiration of the order for evaluation.
21 The court may enter any orders necessary for further disposition pursuant
22 to section 13-4517, including a pickup order directing that the person be
23 taken into custody. This subsection does not prevent any person from
24 initiating another court-ordered evaluation of the person pursuant to this
25 chapter.

26 D. If the person is involuntarily hospitalized, the person shall be
27 informed by the person's appointed attorney of the right to a hearing to
28 determine whether the person should be involuntarily hospitalized for
29 evaluation and to be represented at the hearing by an attorney. If the
30 person requests a hearing to determine whether the person should be
31 involuntarily hospitalized during evaluation, the court shall schedule a
32 hearing at its ~~first~~ EARLIEST opportunity.

33 E. A COPY OF ANY ORDER ISSUED BY THE COURT PURSUANT TO SUBSECTION A
34 OR B OF THIS SECTION, TOGETHER WITH A COPY OF THE PETITION FOR
35 COURT-ORDERED EVALUATION, SHALL BE PERSONALLY SERVED ON THE PROPOSED
36 PATIENT AS PRESCRIBED BY LAW OR COURT RULE OR AS ORDERED BY THE COURT.

37 Sec. 8. Section 36-533, Arizona Revised Statutes, is amended to
38 read:

39 36-533. Petition for treatment

40 A. The petition for court-ordered treatment shall allege:

41 1. That the patient is in need of a period of treatment because the
42 patient, as a result of mental disorder, is a danger to self or to others
43 or has a persistent or acute disability or a grave disability.

44 2. The treatment alternatives that are appropriate or available.

1 3. That the patient is unwilling to accept or incapable of
2 accepting treatment voluntarily.

3 B. The petition shall be accompanied by the affidavits of the two
4 physicians who participated in the evaluation and by the affidavit of the
5 applicant for the evaluation, if any. The affidavits of the physicians
6 shall describe in detail the behavior that indicates that the person, as a
7 result of mental disorder, is a danger to self or to others or has a
8 persistent or acute disability or a grave disability and shall be based on
9 the physician's observations of the patient and the physician's study of
10 information about the patient. A summary of the facts that support the
11 allegations of the petition shall be included. The affidavit shall also
12 include any of the results of the physical examination of the patient if
13 relevant to the patient's psychiatric condition.

14 C. The petition shall request the court to issue an order requiring
15 the person to undergo a period of treatment. If a prosecutor filed a
16 petition pursuant to section 13-4517, the petition must be accompanied by
17 any known criminal history of the person and any previous findings of
18 incompetency.

19 D. In cases of grave disability, the petition shall also include:

20 1. A statement that in the opinion of the petitioner the person
21 with a grave disability does or does not require guardianship or
22 conservatorship, or both, under title 14 and the reasons on which the
23 statement is based.

24 2. A request that the court order an independent investigation and
25 report for the court if in the opinion of the petitioner the person does
26 require guardianship or conservatorship, or both.

27 3. A statement that in the opinion of the petitioner the person
28 with a grave disability does or does not require temporary guardianship or
29 conservatorship, or both, and the reasons on which the statement is based.

30 4. A request that the court appoint a temporary guardian or
31 conservator, or both, if in the opinion of the petitioner the person does
32 require temporary guardianship or conservatorship, or both.

33 E. A copy of the petition in cases of grave disability shall be
34 mailed to the public fiduciary in the county of the patient's residence or
35 in which the patient was found before evaluation and to any person
36 nominated as guardian or conservator.

37 F. A copy of all petitions shall be mailed to the superintendent of
38 the Arizona state hospital.

39 G. ON THE FILING OF A PETITION FOR COURT-ORDERED TREATMENT, IF THE
40 PATIENT IS NOT DETAINED IN AN EVALUATION AGENCY WHEN THE PETITION IS
41 FILED, THE PETITION SHALL CONTAIN A STATEMENT OF ANY FACTS AND
42 CIRCUMSTANCES THAT LEAD THE PETITIONER TO BELIEVE THAT THE PROPOSED
43 PATIENT MAY BE SAFELY TRANSPORTED TO THE EVALUATION AGENCY PURSUANT TO
44 SECTION 36-535 BY AN AUTHORIZED TRANSPORTER, IF AVAILABLE IN THE
45 JURISDICTION, WITHOUT THE ASSISTANCE OF A PEACE OFFICER.

1 Sec. 9. Section 36-536, Arizona Revised Statutes, is amended to
2 read:

3 36-536. Service of petition affidavit and notice of hearing;
4 counsel for proposed patient; notice; personal
5 service

6 A. At least seventy-two hours before the court conducts the hearing
7 on the petition for court-ordered treatment, a copy of the petition,
8 affidavits in support of the petition and the notice of the hearing shall
9 be served on the patient, who shall be informed of the purpose of the
10 hearing and advised of the patient's right to consult counsel. If the
11 patient has not employed counsel, counsel shall be appointed by the court
12 at least three days before the hearing. If at the time of the petition
13 for evaluation the patient had counsel, the same attorney should, if
14 possible, be appointed to represent the patient at the hearing for
15 court-ordered treatment.

16 B. The notice provisions of this section cannot be waived.

17 C. The notice of the hearing shall fix the time and place for the
18 hearing, which shall be held in the courtroom or other place within the
19 county that the court ~~may designate~~ DESIGNATES to ~~insure~~ ENSURE humane
20 treatment with due regard to the comfort and safety of the patient and
21 others.

22 ~~D. The person who serves the notice of hearing must file a proof of~~
23 ~~service with the court that specifies the date, time and manner of~~
24 ~~service.~~

25 D. A COPY OF THE PETITION, AFFIDAVITS IN SUPPORT OF THE PETITION
26 AND NOTICE OF HEARING SHALL BE PERSONALLY SERVED ON THE PROPOSED PATIENT
27 AS PRESCRIBED BY LAW OR COURT RULE OR AS ORDERED BY THE COURT.

28 Sec. 10. Title 36, chapter 21.1, article 2, Arizona Revised
29 Statutes, is amended by adding section 36-2234.01, to read:

30 36-2234.01. Certificate of necessity; amendment;
31 interfacility transport; definitions

32 A. A CITY OR TOWN THAT HAS A LICENSED HEALTH CARE INSTITUTION
33 WITHIN ITS JURISDICTIONAL BOUNDARIES AND THAT OPERATES AN AMBULANCE
34 SERVICE MAY APPLY TO AMEND ITS CERTIFICATE OF NECESSITY PURSUANT TO THIS
35 ARTICLE TO PROVIDE INTERFACILITY TRANSPORTS IN LIEU OF TRANSPORTS BY A
36 PEACE OFFICER AS AUTHORIZED BY SECTION 36-503.02.

37 B. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT,
38 A CITY OR TOWN MUST INCLUDE THE FOLLOWING INFORMATION WITH THE APPLICATION
39 TO AMEND ITS CERTIFICATE OF NECESSITY PURSUANT TO SUBSECTION A OF THIS
40 SECTION FOR THE PURPOSES OF PROVIDING INTERFACILITY TRANSPORTS:

41 1. THE NUMBER OF INTERFACILITY TRANSPORTS MADE BY PEACE OFFICERS IN
42 THE APPLICANT CITY OR TOWN FROM HEALTH CARE INSTITUTIONS TO EVALUATION
43 AGENCIES OR MENTAL HEALTH TREATMENT AGENCIES IN THE PRECEDING TWO YEARS.

44 2. THE PROJECTED CALL VOLUME IN THE NEXT YEAR FOR THE APPLICANT
45 CITY OR TOWN FOR INTERFACILITY TRANSPORTS TO BE MADE IN LIEU OF PEACE

1 OFFICER TRANSPORTS FROM HEALTH CARE INSTITUTIONS TO EVALUATION AGENCIES OR
2 MENTAL HEALTH TREATMENT AGENCIES.

3 C. FOR THE PURPOSES OF THIS SECTION:

4 1. "EVALUATION AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
5 36-501.

6 2. "INTERFACILITY TRANSPORT" MEANS THE TRANSPORT OF A PATIENT FROM
7 A LICENSED HEALTH CARE INSTITUTION TO AN EVALUATION AGENCY OR MENTAL
8 HEALTH TREATMENT AGENCY AS AUTHORIZED BY SECTION 36-503.02.

9 3. "MENTAL HEALTH TREATMENT AGENCY" HAS THE SAME MEANING PRESCRIBED
10 IN SECTION 36-501.

11 Sec. 11. Study committee on alternative behavioral health
12 transportation; membership; duties; report;
13 delayed repeal

14 A. The study committee on alternative behavioral health
15 transportation is established consisting of the following members:

16 1. Two members of the senate who are appointed by the president of
17 the senate and who are members of different political parties. The
18 president of the senate shall designate one of these members to serve as
19 cochairperson of the committee.

20 2. Two members of the house of representatives who are appointed by
21 the speaker of the house of representatives and who are members of
22 different political parties. The speaker of the house of representatives
23 shall designate one of these members to serve as cochairperson of the
24 committee.

25 3. The director of the department of health services or the
26 director's designee.

27 4. The director of the Arizona health care cost containment system
28 or the director's designee.

29 5. A representative of a law enforcement agency from a county with
30 a population of less than one million persons who is appointed by the
31 speaker of the house of representatives.

32 6. A representative of a law enforcement agency from a county with
33 a population of one million or more persons who is appointed by the
34 president of the senate.

35 7. A representative of an evaluation agency who is appointed by the
36 speaker of the house of representatives.

37 8. Two representatives of behavioral health advocacy organizations,
38 one of whom is appointed by the speaker of the house of representatives
39 and one of whom is appointed by the president of the senate.

40 9. A representative of a regional behavioral health authority who
41 is appointed by the speaker of the house of representatives.

42 10. A psychiatrist who is licensed pursuant to title 32, chapter
43 13, Arizona Revised Statutes, who is employed by a special health care
44 district and who is appointed by the president of the senate.

1 11. A person who is responsible for operating a city or town
2 ambulance service and who is appointed by the speaker of the house of
3 representatives.

4 12. An employee of a private ambulance company with significant
5 experience in operating behavioral health transports who is appointed by
6 the president of the senate.

7 B. The study committee shall research and make recommendations for
8 the implementation of and the use of alternative behavioral health
9 transportation providers for individuals involved in the treatment or
10 evaluation processes addressed in title 36, chapter 5, articles 4 and 5,
11 Arizona Revised Statutes, as an alternative to transportation by peace
12 officers, including:

13 1. Establishing criteria for the certification of alternative
14 behavioral health transportation providers, including the development of a
15 training curriculum required to achieve the certification.

16 2. Recommending the appropriate agency for providing the
17 certification.

18 3. Identifying barriers to the use of alternative behavioral health
19 transportation and detailing the costs associated with the implementation
20 of the alternative transportation providers, including cost savings and
21 benefits associated with the use of the alternative transportation
22 providers.

23 4. Identifying means of improved integration of authorized
24 transporters as defined in section 36-501, Arizona Revised Statutes, as
25 amended by this act, in the behavioral health system.

26 C. The study committee may hold hearings, conduct fact-finding
27 tours and take testimony from witnesses, including participants in the
28 behavioral health and law enforcement systems who may assist the committee
29 in fulfilling the committee's responsibilities.

30 D. The legislature shall provide staff and support services to the
31 study committee.

32 E. Study committee members are not eligible to receive
33 compensation.

34 F. On or before December 31, 2023, the study committee shall submit
35 a report regarding its findings and recommendations to the governor, the
36 president of the senate and the speaker of the house of representatives
37 and shall provide a copy of this report to the secretary of state.

38 G. This section is repealed from and after June 30, 2024.