

mentally ill; transportation; evaluation; treatment

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

**CHAPTER 250**  
**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           ~~43.~~ 44. "Screening agency" means a health care agency that is  
2 licensed by the department and that provides those services required of  
3 such agency by this chapter.

4           ~~44.~~ 45. "Social worker" means a person who has completed two years  
5 of graduate training in social work in a program approved by the council  
6 of social work education and who has experience in mental health.

7           ~~45.~~ 46. "State hospital" means the Arizona state hospital.

8           ~~46.~~ 47. "Superintendent" means the superintendent of the state  
9 hospital.

10          Sec. 2. Title 36, chapter 5, article 1, Arizona Revised Statutes,  
11 is amended by adding section 36-503.02, to read:

12          36-503.02. Apprehension and transportation by authorized  
13                                    transporters; immunity

14          A. WHEN IN ANY SECTION OF ARTICLES 4 AND 5 OF THIS CHAPTER, A  
15 COURT, A PERSON, AN EVALUATION AGENCY OR A MENTAL HEALTH TREATMENT AGENCY  
16 IS ALLOWED TO AUTHORIZE, REQUEST OR ORDER THE APPREHENSION AND  
17 TRANSPORTATION OF A PATIENT OR PROPOSED PATIENT BY A PEACE OFFICER TO AN  
18 EVALUATION AGENCY OR MENTAL HEALTH TREATMENT AGENCY, THE COURT, PERSON,  
19 EVALUATION AGENCY OR MENTAL HEALTH TREATMENT AGENCY MAY AUTHORIZE THE  
20 APPREHENSION AND TRANSPORTATION BY AN AUTHORIZED TRANSPORTER IF AVAILABLE  
21 IN THE CITY, TOWN OR COUNTY IF THERE ARE REASONABLE GROUNDS TO BELIEVE  
22 THAT THE PATIENT OR PROPOSED PATIENT MAY BE SAFELY APPREHENDED AND  
23 TRANSPORTED BY AN AUTHORIZED TRANSPORTER WITHOUT THE ASSISTANCE OF A PEACE  
24 OFFICER.

25          B. ANY PERSON WHO PROVIDES A COURT, A PERSON, AN EVALUATION AGENCY  
26 OR A MENTAL HEALTH TREATMENT AGENCY AUTHORIZED TO REQUEST OR ORDER THE  
27 APPREHENSION AND TRANSPORTATION OF A PATIENT OR PROPOSED PATIENT WITH  
28 FACTS AND CIRCUMSTANCES OR EXPRESSES AN OPINION THAT THERE MAY BE  
29 REASONABLE GROUNDS TO BELIEVE A PATIENT OR PROPOSED PATIENT MAY BE SAFELY  
30 APPREHENDED AND TRANSPORTED TO AN EVALUATION AGENCY OR MENTAL HEALTH  
31 TREATMENT AGENCY BY AN AUTHORIZED TRANSPORTER WITHOUT THE ASSISTANCE OF A  
32 PEACE OFFICER, THE COURT, THE PERSON, THE EVALUATION AGENCY OR THE MENTAL  
33 HEALTH TREATMENT AGENCY THAT AUTHORIZES THE USE OF AN AUTHORIZED  
34 TRANSPORTER AND THE AUTHORIZED TRANSPORTER THAT APPREHENDS AND TRANSPORTS  
35 THE PATIENT OR PROPOSED PATIENT TO AN EVALUATION AGENCY OR MENTAL HEALTH  
36 TREATMENT AGENCY PURSUANT TO AN AUTHORIZATION, REQUEST OR ORDER ISSUED  
37 UNDER THIS CHAPTER ARE NOT SUBJECT TO CIVIL LIABILITY FOR THE APPREHENSION  
38 OR TRANSPORTATION. THIS LIABILITY EXCLUSION DOES NOT APPLY TO A PERSON  
39 WHO ACTS WITH GROSS NEGLIGENCE.

40          C. THIS CHAPTER DOES NOT REQUIRE A CITY, TOWN OR COUNTY TO CONTRACT  
41 WITH AN AUTHORIZED TRANSPORTER TO PROVIDE SERVICES PURSUANT TO THIS  
42 CHAPTER INSTEAD OF A PEACE OFFICER. A CITY, TOWN OR COUNTY THAT ENTERS  
43 INTO A CONTRACT WITH AN AUTHORIZED TRANSPORTER IS FINANCIALLY RESPONSIBLE  
44 FOR THE CONTRACTED SERVICES PROVIDED PURSUANT TO THIS CHAPTER BY THE  
45 AUTHORIZED TRANSPORTER.

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.

APPROVED BY THE GOVERNOR MAY 23, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2022.