

REFERENCE TITLE: mental health; voluntary evaluations; payment

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2041

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 36-522 AND 36-545.05, ARIZONA REVISED STATUTES; 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 36-522, Arizona Revised Statutes, is amended to
3 read:

4 36-522. Voluntary evaluations; consent; failure to complete

5 A. ON RECEIPT OF AN APPLICATION FOR COURT-ORDERED EVALUATION, if
6 the petition for court-ordered evaluation is not filed because it has been
7 determined that the proposed patient will voluntarily receive an
8 evaluation and is unlikely to present a danger to self or others until the
9 voluntary evaluation, the evaluation agency provided for by the county, or
10 A LICENSED BEHAVIORAL HEALTH PROVIDER selected by the proposed patient,
11 shall be immediately notified BY THE EVALUATION AGENCY and shall provide
12 AN evaluation of the proposed patient at a scheduled time and place within
13 ~~five~~ TEN days ~~of~~ AFTER the notice. The voluntary evaluation may be on an
14 inpatient or outpatient basis AND ON COMPLETION SHALL BE IMMEDIATELY
15 DELIVERED TO THE EVALUATION AGENCY PROVIDED FOR BY THE COUNTY. THE
16 EVALUATION AGENCY PROVIDED FOR BY THE COUNTY SHALL CONFIRM RECEIPT OF THE
17 EVALUATION AND MAKE A DETERMINATION WITHIN SEVENTY-TWO HOURS AFTER
18 CONFIRMING RECEIPT WHETHER A PETITION FOR COURT-ORDERED TREATMENT WILL BE
19 FILED.

20 B. Voluntary inpatient evaluation is subject to article 3 of this
21 chapter.

22 C. Voluntary outpatient evaluation shall conform to the
23 requirements of section 36-530, subsection D and section 36-531,
24 subsections B, C and D and shall proceed only after the person to be
25 evaluated has given consent to be evaluated by signing a form prescribed
26 by the director that includes information to the proposed patient that the
27 patient-physician privilege does not apply and that the evaluation may
28 result in a petition for the person to undergo court-ordered treatment or
29 for guardianship. ~~Voluntary evaluation may be carried out only if chosen~~
30 ~~by the patient during the course of a prepetition screening after an~~
31 ~~application for evaluation has been made.~~

32 D. IF THE PERSON WHO REQUESTED A VOLUNTARY EVALUATION DOES NOT
33 APPEAR OR DOES NOT COMPLETE THE APPOINTMENTS SCHEDULED, THE EVALUATION
34 AGENCY PROVIDED FOR BY THE COUNTY SHALL BE IMMEDIATELY NOTIFIED BY THE
35 PROVIDER WHO WAS TO CONDUCT THE EVALUATION. THE EVALUATION AGENCY SHALL
36 THEN PROVIDE PREPETITION SCREENING OF THE APPLICATION FOR COURT-ORDERED
37 EVALUATION IN ACCORDANCE WITH SECTIONS 36-521 AND 36-521.01.

38 Sec. 2. Section 36-545.05, Arizona Revised Statutes, is amended to
39 read:

40 36-545.05. Treatment by agencies under administration
41 contract; charges; voluntary evaluations;
42 prepetition screenings; court-ordered
43 evaluations; prohibitions

44 A. When a person is given a prepetition screening, or a
45 court-ordered evaluation by a screening agency or evaluation agency
46 pursuant to article 4 of this chapter, the person shall not be charged.

1 B. WHEN A PERSON IS GIVEN A VOLUNTARY EVALUATION PURSUANT TO
2 SECTION 36-522, THE PERSON IS RESPONSIBLE FOR PAYING THE COSTS OF THE
3 EVALUATION TO THE EXTENT THAT THE EVALUATION IS NOT COVERED BY A
4 THIRD-PARTY PAYOR.

5 ~~B.~~ C. When a patient is given voluntary treatment pursuant to
6 article 3 of this chapter or court-ordered treatment pursuant to article 5
7 of this chapter, the patient or proposed patient shall pay all or such
8 portion of the established charges as the patient can afford. If the
9 patient is indigent, no charges shall be made against the patient.