

REFERENCE TITLE: behavioral health treatment facilities; notification

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1661**

Introduced by  
Senators Hatathlie: Alston, Miranda; Representative Schwiebert

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 36-425.09; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 36, chapter 4, article 2, Arizona Revised  
3 Statutes, is amended by adding section 36-425.09, to read:  
4 36-425.09. Behavioral health residential facilities;  
5 admittance; notification; sobriety; violations;  
6 assessments  
7 A. WHEN A PATIENT IS ADMITTED FOR INITIAL EVALUATION, A BEHAVIORAL  
8 HEALTH RESIDENTIAL FACILITY SHALL NOTIFY THE PATIENT'S FAMILY OR NEXT OF  
9 KIN AS PROMPTLY AS POSSIBLE. THE NOTIFICATION SHALL BE DOCUMENTED IN THE  
10 PATIENT'S MEDICAL RECORD.  
11 B. A PERSON MAY NOT BE TRANSPORTED TO A BEHAVIORAL HEALTH  
12 RESIDENTIAL FACILITY BY REPRESENTATIVES OF THE FACILITY UNLESS THE PERSON  
13 IS SOBER OR IS REFERRED BY AN APPROVED PROVIDER OF A TRIBAL HEALTH CARE  
14 PROGRAM.  
15 C. NOTWITHSTANDING SECTION 36-431.01, A BEHAVIORAL HEALTH  
16 RESIDENTIAL FACILITY THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS  
17 SECTION IS SUBJECT TO AN ASSESSMENT IN AN AMOUNT EQUAL TO, AT A MINIMUM,  
18 THE FOLLOWING:  
19 1. FOR A FIRST VIOLATION, \$750.  
20 2. FOR A SECOND VIOLATION, \$1,000.  
21 3. FOR A THIRD VIOLATION, A THIRTY-DAY LICENSE SUSPENSION.  
22 D. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE  
23 VIOLATION.  
24 E. THE DIRECTOR MAY ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES THE  
25 PROPOSED AMOUNT OF THE ASSESSMENT PURSUANT TO SUBSECTION C OF THIS  
26 SECTION. A BEHAVIORAL HEALTH RESIDENTIAL FACILITY MAY APPEAL THE  
27 ASSESSMENT OR ANY ACTION AGAINST THE BEHAVIORAL HEALTH RESIDENTIAL  
28 FACILITY'S LICENSE BY REQUESTING A HEARING PURSUANT TO TITLE 41, CHAPTER  
29 6, ARTICLE 10. IF AN ASSESSMENT OR ACTION AGAINST A LICENSE IS APPEALED,  
30 THE DIRECTOR MAY NOT TAKE ANY FURTHER ACTION PURSUANT TO THIS SUBSECTION  
31 UNTIL AFTER THE HEARING.