

REFERENCE TITLE: state hospital; bed availability

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1682

Introduced by
Senators Gowan: Shamp

AN ACT

AMENDING SECTIONS 36-202 AND 36-541, ARIZONA REVISED STATUTES; RELATING TO
THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-202, Arizona Revised Statutes, is amended to
3 read:

4 36-202. Arizona state hospital; purpose; facilities and
5 equipment

6 A. A state hospital shall be maintained for the care and treatment
7 of persons with mental disorders and persons with other personality
8 disorders or emotional conditions who will benefit from care and
9 treatment. Admissions to the state hospital shall be in accordance with
10 law. **THE STATE HOSPITAL SHALL ADMIT PATIENTS BASED ON CLINICAL NEED FOR**
11 **TREATMENT AND MAY NOT PLACE ANY LIMIT ON ADMISSION BASED ON A PATIENT'S**
12 **COUNTY OF RESIDENCE.** The hospital shall be called the Arizona state
13 hospital.

14 B. Subject to legislative appropriation, the state hospital may
15 provide services to persons suffering from alcoholism and to persons
16 suffering from drug abuse.

17 C. The state hospital shall have adequate facilities and equipment
18 for enlightened and scientific treatment of nervous and mental diseases in
19 accordance with approved methods of mental therapeutics. The facilities
20 shall include, among other things:

- 21 1. Facilities for medical and psychiatric treatment with special
22 attention to occupational therapy and other special therapies.
- 23 2. Facilities for proper segregation and care of child patients.
- 24 3. Facilities for recreation and physical training.
- 25 4. An institutional library for the use of patients.
- 26 5. A properly equipped dental department.
- 27 6. A properly equipped laboratory and x-ray department.
- 28 7. A patient tracking system approved by the director that monitors
29 individual progress on an inpatient basis and ensures suitable aftercare
30 placement.

31 D. The state hospital shall be under the charge and control of the
32 director of the department of health services, pursuant to this article.

33 Sec. 2. Section 36-541, Arizona Revised Statutes, is amended to
34 read:

35 36-541. Mandatory local treatment; placement at state
36 hospital

37 A. A patient who is ordered by a court to undergo treatment and who
38 is not hospitalized in the state hospital at the time of the order shall
39 undergo treatment for at least twenty-five days in a local mental health
40 treatment agency that is geographically convenient for the patient before
41 being hospitalized in the state hospital. This section does not apply if
42 the court finds, at a hearing on court-ordered treatment, that the
43 patient's present condition and history demonstrate that the patient will
44 not benefit from the required period of treatment in a local mental health
45 treatment agency or that the state hospital provides a program that is

1 specific to the needs of the patient and is unavailable in the local
2 mental health treatment agency, or when there is no local mental health
3 treatment agency readily available to the patient. Such a finding shall
4 be based at least on the annual written description by the state hospital
5 of programs and services available and appropriate written reports from
6 the medical director of the local mental health treatment agency. The
7 patient may be immediately hospitalized at the state hospital whenever the
8 court determines that this section does not apply.

9 B. A patient who is ordered by a court to undergo treatment may be
10 admitted for treatment if the patient is accepted by the superintendent of
11 the state hospital for treatment at the state hospital or if the court
12 orders placement at the state hospital pursuant to subsection A or C of
13 this section.

14 C. During any period of court-ordered treatment, the medical
15 director of the local mental health treatment agency assigned to supervise
16 and administer the patient's treatment program may file a motion
17 requesting the court to amend the treatment order to place the patient for
18 treatment at the state hospital. After a hearing, if the court finds that
19 the patient's present condition and history demonstrate that the patient
20 will not benefit from a continued period of treatment in or by a local
21 mental health treatment agency, either as an inpatient or an outpatient,
22 or that the state hospital provides a program that is specific to the
23 needs of the patient and is unavailable in a local mental health treatment
24 agency, and that the least restrictive placement to meet the needs of the
25 patient for the foreseeable future is placement in the state hospital ~~and~~
26 ~~there is a legally available funded bed in the state hospital~~, the court
27 may amend the original treatment order authorizing the placement of the
28 patient at the state hospital pursuant to section 36-540, subsection A,
29 paragraph 2 or 3. Within five days after receiving notice from the court,
30 the superintendent shall notify the court whether a bed is available in
31 the state hospital.