

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2532

AN ACT

AMENDING SECTIONS 36-501, 36-526, 36-533, 36-540, 36-542, 36-543 AND 36-548,
ARIZONA REVISED STATUTES; RELATING TO COURT-ORDERED TREATMENT.

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

11 2. "Chief medical officer" means the chief medical officer under the
12 supervision of the superintendent of the state hospital.

13 3. "Contraindicated" means that access is reasonably likely to
14 endanger the life or physical safety of the patient or another person.

15 4. "Court" means the superior court in the county in this state in
16 which the patient resides or was found before screening or emergency
17 admission under this title.

18 5. "Danger to others" means that the judgment of a person who has a
19 mental disorder is so impaired that the person is unable to understand the
20 person's need for treatment and as a result of the person's mental disorder
21 the person's continued behavior can reasonably be expected, on the basis of
22 competent medical opinion, to result in serious physical harm.

23 6. "Danger to self":

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

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

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

32 (b) Does not include behavior that establishes only the condition of
33 gravely disabled.

34 7. "Department" means the department of health services.

35 8. "Deputy director" means the deputy director of the division of
36 behavioral health in the department of health services.

37 9. "Detention" means the taking into custody of a patient or proposed
38 patient.

39 10. "Director" means the director of the department.

40 11. "Division" means the division of behavioral health in the
41 department.

42 12. "Evaluation" means:

43 (a) A professional multidisciplinary analysis **THAT MAY INCLUDE**
44 **FIRSTHAND OBSERVATIONS OR REMOTE OBSERVATIONS BY INTERACTIVE AUDIOVISUAL**
45 **MEDIA AND THAT IS** based on data describing the person's identity, biography

1 and medical, psychological and social conditions carried out by a group of
2 persons consisting of not less than the following:

3 ~~(a)~~ (i) Two licensed physicians, who shall be qualified psychiatrists,
4 if possible, or at least experienced in psychiatric matters, and who shall
5 examine and report their findings independently. The person against whom a
6 petition has been filed shall be notified that the person may select one of
7 the physicians. A psychiatric resident in a training program approved by the
8 American medical association or by the American osteopathic association may
9 examine the person in place of one of the psychiatrists if the resident is
10 supervised in the examination and preparation of the affidavit and testimony
11 in court by a qualified psychiatrist appointed to assist in the resident's
12 training, and if the supervising psychiatrist is available for discussion
13 with the attorneys for all parties and for court appearance and testimony if
14 requested by the court or any of the attorneys.

15 ~~(b)~~ (ii) Two other individuals, one of whom, if available, shall be a
16 psychologist and in any event a social worker familiar with mental health and
17 human services that may be available placement alternatives appropriate for
18 treatment. An evaluation may be conducted on an inpatient basis, an
19 outpatient basis or a combination of both, and every reasonable attempt shall
20 be made to conduct the evaluation in any language preferred by the person.

21 (b) A PHYSICAL EXAMINATION THAT IS CONSISTENT WITH THE EXISTING
22 STANDARDS OF CARE AND THAT IS PERFORMED BY ONE OF THE EVALUATING PHYSICIANS
23 OR BY OR UNDER THE SUPERVISION OF A PHYSICIAN WHO IS LICENSED PURSUANT TO
24 TITLE 32, CHAPTER 13 OR 17 OR A REGISTERED NURSE PRACTITIONER WHO IS LICENSED
25 PURSUANT TO TITLE 32, CHAPTER 15 IF THE RESULTS OF THAT EXAMINATION ARE
26 REVIEWED OR AUGMENTED BY ONE OF THE EVALUATING PHYSICIANS.

27 13. "Evaluation agency" means a health care agency that is licensed by
28 the department and that has been approved pursuant to this title, providing
29 those services required of such agency by this chapter.

30 ~~14. "Examination" means a professional multidisciplinary exploration of~~
31 ~~the person's past psychiatric history and of the circumstances leading up to~~
32 ~~the person's presentation, a psychiatric exploration of the person's present~~
33 ~~mental condition and a complete physical examination that is conducted~~
34 ~~pursuant to section 36-533, subsection B.~~

35 ~~15.~~ 14. "Family member" means a spouse, parent, adult child, adult
36 sibling or other blood relative of a person undergoing treatment or
37 evaluation pursuant to this chapter.

38 ~~16.~~ 15. "Gravely disabled" means a condition evidenced by behavior in
39 which a person, as a result of a mental disorder, is likely to come to
40 serious physical harm or serious illness because the person is unable to
41 provide for the person's own basic physical needs.

42 ~~17.~~ 16. "Health care decision maker" has the same meaning prescribed
43 in section 12-2801.

1 ~~18-~~ 17. "Health care entity" means a health care provider, the
2 department, the Arizona health care cost containment system administration or
3 a regional behavioral health authority under contract with the department.
4 ~~19-~~ 18. "Health care provider" means a health care institution as
5 defined in section 36-401 that is licensed as a behavioral health provider
6 pursuant to department rules or a mental health provider.
7 ~~20-~~ 19. "Independent evaluator" means a licensed physician,
8 psychiatric and mental health nurse practitioner or psychologist selected by
9 the person to be evaluated or by such person's attorney.
10 ~~21-~~ 20. "Informed consent" means a voluntary decision following
11 presentation of all facts necessary to form the basis of an intelligent
12 consent by the patient or guardian with no minimizing of known dangers of any
13 procedures.
14 ~~22-~~ 21. "Least restrictive treatment alternative" means the treatment
15 plan and setting that infringe in the least possible degree with the
16 patient's right to liberty and that are consistent with providing needed
17 treatment in a safe and humane manner.
18 ~~23-~~ 22. "Licensed physician" means any medical doctor or doctor of
19 osteopathy who is either:
20 (a) Licensed in this state.
21 (b) A full-time hospital physician licensed in another state and
22 serving on the staff of a hospital operated or licensed by the United States
23 government.
24 ~~24-~~ 23. "Medical director of an evaluation agency" means a
25 psychiatrist, or other licensed physician experienced in psychiatric matters,
26 who is designated in writing by the governing body of the agency as the
27 person in charge of the medical services of the agency for the purposes of
28 this chapter and may include the chief medical officer of the state hospital.
29 ~~25-~~ 24. "Medical director of a mental health treatment agency" means a
30 psychiatrist, or other licensed physician experienced in psychiatric matters,
31 who is designated in writing by the governing body of the agency as the
32 person in charge of the medical services of the agency for the purposes of
33 this chapter and includes the chief medical officer of the state hospital.
34 ~~26-~~ 25. "Mental disorder" means a substantial disorder of the person's
35 emotional processes, thought, cognition or memory. Mental disorder is
36 distinguished from:
37 (a) Conditions that are primarily those of drug abuse, alcoholism or
38 intellectual disability, unless, in addition to one or more of these
39 conditions, the person has a mental disorder.
40 (b) The declining mental abilities that directly accompany impending
41 death.
42 (c) Character and personality disorders characterized by lifelong and
43 deeply ingrained antisocial behavior patterns, including sexual behaviors
44 that are abnormal and prohibited by statute unless the behavior results from
45 a mental disorder.

1 ~~27.~~ 26. "Mental health provider" means any physician or provider of
2 mental health or behavioral health services involved in evaluating, caring
3 for, treating or rehabilitating a patient.

4 ~~28.~~ 27. "Mental health treatment agency" means the state hospital or a
5 health care agency that is licensed by the department and that provides those
6 services that are required of the agency by this chapter.

7 ~~29.~~ 28. "Outpatient treatment" or "combined inpatient and outpatient
8 treatment" means any treatment program not requiring continuous inpatient
9 hospitalization.

10 ~~30.~~ 29. "Outpatient treatment plan" means a treatment plan that does
11 not require continuous inpatient hospitalization.

12 ~~31.~~ 30. "Patient" means any person undergoing examination, evaluation
13 or behavioral or mental health treatment under this chapter.

14 ~~32.~~ 31. "Peace officers" means sheriffs of counties, constables,
15 marshals and policemen of cities and towns.

16 ~~33.~~ 32. "Persistently or acutely disabled" means a severe mental
17 disorder that meets all the following criteria:

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

22 (b) Substantially impairs the person's capacity to make an informed
23 decision regarding treatment, and this impairment causes the person to be
24 incapable of understanding and expressing an understanding of the advantages
25 and disadvantages of accepting treatment and understanding and expressing an
26 understanding of the alternatives to the particular treatment offered after
27 the advantages, disadvantages and alternatives are explained to that person.

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

30 ~~34.~~ 33. "Prepetition screening" means the review of each application
31 requesting court-ordered evaluation, including an investigation of facts
32 alleged in such application, an interview with each applicant and an
33 interview, if possible, with the proposed patient. The purpose of the
34 interview with the proposed patient is to assess the problem, explain the
35 application and, when indicated, attempt to persuade the proposed patient to
36 receive, on a voluntary basis, evaluation or other services.

37 ~~35.~~ 34. "Prescribed form" means a form established by a court or the
38 rules of the division that have been approved by the director or in
39 accordance with the laws of this state.

40 ~~36.~~ 35. "Professional" means a physician who is licensed pursuant to
41 title 32, chapter 13 or 17, a psychologist who is licensed pursuant to title
42 32, chapter 19.1 or a psychiatric and mental health nurse practitioner who is
43 certified pursuant to title 32, chapter 15.

1 procedures set forth in sections 36-520 and 36-521 the person is likely
2 without immediate hospitalization to suffer serious physical harm or serious
3 illness or to inflict serious physical harm on another person. ~~In the event~~
4 IF a person is hospitalized pursuant to this section, the admitting officer
5 may notify a screening agency and seek its assistance or guidance in
6 developing alternatives to involuntary confinement and in counseling the
7 person and his family.

8 B. On the same or A succeeding court day, the medical director in
9 charge of the agency shall file a petition for a court-ordered evaluation,
10 unless the person has been discharged or has become a voluntary patient. The
11 petition need not comply with the provisions of this chapter requiring
12 preparation and filing of a prepetition screening report but shall meet all
13 other requirements and shall seek an appropriate order pursuant to section
14 36-529.

15 Sec. 3. Section 36-533, Arizona Revised Statutes, is amended to read:

16 36-533. Petition for treatment

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

18 1. That the patient is in need of a period of treatment because the
19 patient, as a result of mental disorder, is a danger to self or to others, is
20 persistently or acutely disabled or is gravely disabled.

21 2. The treatment alternatives ~~which~~ THAT are appropriate or available.

22 3. That the patient is unwilling to accept or incapable of accepting
23 treatment voluntarily.

24 B. The petition shall be accompanied by the affidavits of the two
25 physicians who participated in the evaluation and by the affidavit of the
26 applicant for the evaluation, if any. The affidavits of the physicians shall
27 describe in detail the behavior ~~which~~ THAT indicates that the person, as a
28 result of mental disorder, is a danger to self or to others, is persistently
29 or acutely disabled or is gravely disabled and shall be based ~~upon~~ ON the
30 physician's observations of the patient and the physician's study of
31 information about the patient. A summary of the facts ~~which~~ THAT support the
32 allegations of the petition shall be included. The affidavit shall also
33 include ANY OF the results of the ~~complete~~ physical examination of the
34 patient if ~~this is~~ relevant to the ~~evaluation~~ PATIENT'S PSYCHIATRIC
35 CONDITION. ~~The complete physical examination may be performed by the~~
36 ~~evaluating physician, by or under the supervision of a physician who is~~
37 ~~licensed pursuant to title 32, chapter 13 or 17 or by a registered nurse~~
38 ~~practitioner who is licensed pursuant to title 32, chapter 15. The~~
39 ~~examination must be consistent with existing standards of care and the~~
40 ~~evaluating physician must review or augment the results of the examination.~~
41 ~~The examination may include firsthand observation or remote observation by~~
42 ~~interactive audiovisual media.~~

43 C. The petition shall request the court to issue an order requiring
44 the person to undergo a period of treatment.

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

2 1. A statement that in the opinion of the petitioner the gravely
3 disabled person does or does not require guardianship or conservatorship, or
4 both, under ~~the provisions of~~ title 14 and the reasons on which the statement
5 is based.

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

9 3. A statement that in the opinion of the petitioner the gravely
10 disabled person does or does not require temporary guardianship or
11 conservatorship, or both, and the reasons on which the statement is based.

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

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

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

21 Sec. 4. Section 36-540, Arizona Revised Statutes, is amended to read:
22 36-540. Court options

23 A. If the court finds by clear and convincing evidence that the
24 proposed patient, as a result of mental disorder, is a danger to self, is a
25 danger to others, is persistently or acutely disabled or is gravely disabled
26 and in need of treatment, and is either unwilling or unable to accept
27 voluntary treatment, the court shall order the patient to undergo one of the
28 following:

29 1. Treatment in a program of outpatient treatment.

30 2. Treatment in a program consisting of combined inpatient and
31 outpatient treatment.

32 3. Inpatient treatment in a mental health treatment agency, in a
33 ~~veterans administration~~ hospital OPERATED BY OR UNDER CONTRACT WITH THE
34 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE TREATMENT TO ELIGIBLE
35 VETERANS pursuant to article 9 of this chapter, in the state hospital or in a
36 private hospital, if the private hospital agrees, subject to the limitations
37 of section 36-541.

38 B. The court shall consider all available and appropriate alternatives
39 for the treatment and care of the patient. The court shall order the least
40 restrictive treatment alternative available.

41 C. The court may order the proposed patient to undergo outpatient or
42 combined inpatient and outpatient treatment pursuant to subsection A,
43 paragraph 1 or 2 of this section if the court:

- 1 1. Determines that all of the following apply:
2 (a) The patient does not require continuous inpatient hospitalization.
3 (b) The patient will be more appropriately treated in an outpatient
4 treatment program or in a combined inpatient and outpatient treatment
5 program.
6 (c) The patient will follow a prescribed outpatient treatment plan.
7 (d) The patient will not likely become dangerous or suffer more
8 serious physical harm or serious illness or further deterioration if the
9 patient follows a prescribed outpatient treatment plan.
- 10 2. Is presented with and approves a written treatment plan that
11 conforms with the requirements of section 36-540.01, subsection B. If the
12 treatment plan presented to the court pursuant to this subsection provides
13 for supervision of the patient under court order by a mental health agency
14 that is other than the mental health agency that petitioned or requested the
15 county attorney to petition the court for treatment pursuant to section
16 36-531, the treatment plan must be approved by the medical director of the
17 mental health agency that will supervise the treatment pursuant to subsection
18 E of this section.
- 19 D. An order to receive treatment pursuant to subsection A, paragraph 1
20 or 2 of this section shall not exceed three hundred sixty-five days. The
21 period of inpatient treatment under a combined treatment order pursuant to
22 subsection A, paragraph 2 of this section shall not exceed the maximum period
23 allowed for an order for inpatient treatment pursuant to subsection F of this
24 section.
- 25 E. If the court enters an order for treatment pursuant to subsection
26 A, paragraph 1 or 2 of this section, all of the following apply:
- 27 1. The court shall designate the medical director of the mental health
28 treatment agency that will supervise and administer the patient's treatment
29 program.
- 30 2. The medical director shall not use the services of any person,
31 agency or organization to supervise a patient's outpatient treatment program
32 unless the person, agency or organization has agreed to provide these
33 services in the individual patient's case and unless the department has
34 determined that the person, agency or organization is capable and competent
35 to do so.
- 36 3. The person, agency or organization assigned to supervise an
37 outpatient treatment program or the outpatient portion of a combined
38 treatment program shall be notified at least three days before a referral.
39 The medical director making the referral and the person, agency or
40 organization assigned to supervise the treatment program shall share relevant
41 information about the patient to provide continuity of treatment.
- 42 4. During any period of outpatient treatment under subsection A,
43 paragraph 2 of this section, if the court, on motion by the medical director
44 of the patient's outpatient mental health treatment facility, determines that
45 the patient is not complying with the terms of the order or that the

1 outpatient treatment plan is no longer appropriate and the patient needs
2 inpatient treatment, the court, without a hearing and based on the court
3 record, the patient's medical record, the affidavits and recommendations of
4 the medical director, and the advice of staff and physicians or the
5 psychiatric and mental health nurse practitioner familiar with the treatment
6 of the patient, may enter an order amending its original order. The amended
7 order may alter the outpatient treatment plan or order the patient to
8 inpatient treatment pursuant to subsection A, paragraph 3 of this section.
9 The amended order shall not increase the total period of commitment
10 originally ordered by the court or, when added to the period of inpatient
11 treatment provided by the original order and any other amended orders, exceed
12 the maximum period allowed for an order for inpatient treatment pursuant to
13 subsection F of this section. If the patient refuses to comply with an
14 amended order for inpatient treatment, the court may authorize and direct a
15 peace officer, on the request of the medical director, to take the patient
16 into protective custody and transport the patient to the agency for inpatient
17 treatment. When reporting to or being returned to a treatment agency for
18 inpatient treatment pursuant to an amended order, the patient shall be
19 informed of the patient's right to judicial review and the patient's right to
20 consult with counsel pursuant to section 36-546.

21 5. During any period of outpatient treatment under subsection A,
22 paragraph 2 of this section, if the medical director of the outpatient
23 treatment facility in charge of the patient's care determines, in concert
24 with the medical director of an inpatient mental health treatment facility
25 who has agreed to accept the patient, that the patient is in need of
26 immediate acute inpatient psychiatric care because of behavior that is
27 dangerous to self or to others, the medical director of the outpatient
28 treatment facility may order a peace officer to apprehend and transport the
29 patient to the inpatient treatment facility pending a court determination on
30 an amended order under paragraph 4 of this subsection. The patient may be
31 detained and treated at the inpatient treatment facility for a period of no
32 more than forty-eight hours, exclusive of weekends and holidays, from the
33 time that the patient is taken to the inpatient treatment facility. The
34 medical director of the outpatient treatment facility shall file the motion
35 for an amended court order requesting inpatient treatment no later than the
36 next working day following the patient being taken to the inpatient treatment
37 facility. Any period of detention within the inpatient treatment facility
38 pending issuance of an amended order shall not increase the total period of
39 commitment originally ordered by the court or, when added to the period of
40 inpatient treatment provided by the original order and any other amended
41 orders, exceed the maximum period allowed for an order for inpatient
42 treatment pursuant to subsection F of this section. If a patient is ordered
43 to undergo inpatient treatment pursuant to an amended order, the medical
44 director of the outpatient treatment facility shall inform the patient of the

1 patient's right to judicial review and to consult with an attorney pursuant
2 to section 36-546.

3 F. The maximum periods of inpatient treatment that the court may
4 order, subject to the limitations of section 36-541, are as follows:

5 1. Ninety days for a person found to be a danger to self.

6 2. One hundred eighty days for a person found to be a danger to
7 others.

8 3. One hundred eighty days for a person found to be persistently or
9 acutely disabled.

10 4. Three hundred sixty-five days for a person found to be gravely
11 disabled.

12 G. If, on finding that the patient meets the criteria for
13 court-ordered treatment pursuant to subsection A of this section, the court
14 also finds that there is reasonable cause to believe that the patient is an
15 incapacitated person as defined in section 14-5101 or is a person in need of
16 protection pursuant to section 14-5401 and that the patient is or may be in
17 need of guardianship or conservatorship, or both, the court may order an
18 investigation concerning the need for a guardian or conservator, or both, and
19 may appoint a suitable person or agency to conduct the investigation. The
20 appointee may include a court appointed guardian ad litem, an investigator
21 appointed pursuant to section 14-5308 or the public fiduciary if there is no
22 person willing and qualified to act in that capacity. The court shall give
23 notice of the appointment to the appointee within three days of the
24 appointment. The appointee shall submit the report of the investigation to
25 the court within twenty-one days. The report shall include recommendations
26 as to who should be guardian or who should be conservator, or both, and a
27 report of the findings and reasons for the recommendation. If the
28 investigation and report so indicate, the court shall order the appropriate
29 person to submit a petition to become the guardian or conservator, or both,
30 of the patient.

31 H. In any proceeding for court-ordered treatment in which the petition
32 alleges that the patient is in need of a guardian or conservator and states
33 the grounds for that allegation, the court may appoint an emergency temporary
34 guardian or conservator, or both, for a specific purpose or purposes
35 identified in its order and for a specific period of time not to exceed
36 thirty days if the court finds that all of the following are true:

37 1. The patient meets the criteria for court-ordered treatment pursuant
38 to subsection A of this section.

39 2. There is reasonable cause to believe that the patient is an
40 incapacitated person as defined in section 14-5101 or is in need of
41 protection pursuant to section 14-5401, paragraph 2.

42 3. The patient does not have a guardian or conservator and the welfare
43 of the patient requires immediate action to protect the patient or the ward's
44 property.

1 4. The conditions prescribed pursuant to section 14-5310, subsection B
2 or section 14-5401.01, subsection B have been met.

3 I. The court may appoint as a temporary guardian or conservator
4 pursuant to subsection H of this section a suitable person or the public
5 fiduciary if there is no person qualified and willing to act in that
6 capacity. The court shall issue an order for an investigation as prescribed
7 pursuant to subsection G of this section and, unless the patient is
8 represented by independent counsel, the court shall appoint an attorney to
9 represent the patient in further proceedings regarding the appointment of a
10 guardian or conservator. The court shall schedule a further hearing within
11 fourteen days on the appropriate court calendar of a court that has authority
12 over guardianship or conservatorship matters pursuant to this title to
13 consider the continued need for an emergency temporary guardian or
14 conservator and the appropriateness of the temporary guardian or conservator
15 appointed, and shall order the appointed guardian or conservator to give
16 notice to persons entitled to notice pursuant to section 14-5309, subsection
17 A or section 14-5405, subsection A. The court shall authorize certified
18 letters of temporary emergency guardianship or conservatorship to be issued
19 on presentation of a copy of the court's order. If a temporary emergency
20 conservator other than the public fiduciary is appointed pursuant to this
21 subsection, the court shall order that the use of the money and property of
22 the patient by the conservator is restricted and not to be sold, used,
23 transferred or encumbered, except that the court may authorize the
24 conservator to use money or property of the patient specifically identified
25 as needed to pay an expense to provide for the care, treatment or welfare of
26 the patient pending further hearing. This subsection and subsection H of
27 this section do not:

28 1. Prevent the evaluation or treatment agency from seeking
29 guardianship and conservatorship in any other manner allowed by law at any
30 time during the period of court-ordered evaluation and treatment.

31 2. Relieve the evaluation or treatment agency from its obligations
32 concerning the suspected abuse of a vulnerable adult pursuant to title 46,
33 chapter 4.

34 J. If, on finding that a patient meets the criteria for court-ordered
35 treatment pursuant to subsection A of this section, the court also learns
36 that the patient has a guardian appointed under title 14, the court with
37 notice may impose on the existing guardian additional duties pursuant to
38 section 14-5312.01. If the court imposes additional duties on an existing
39 guardian as prescribed in this subsection, the court may determine that the
40 patient needs to continue treatment under a court order for treatment and may
41 issue the order or determine that the patient's needs can be adequately met
42 by the guardian with the additional duties pursuant to section 14-5312.01 and
43 decline to issue the court order for treatment. If at any time after the
44 issuance of a court order for treatment the court finds that the patient's
45 needs can be adequately met by the guardian with the additional duties

1 pursuant to section 14-5312.01 and that a court order for treatment is no
2 longer necessary to assure compliance with necessary treatment, the court may
3 terminate the court order for treatment. If there is a court order for
4 treatment and a guardianship with additional mental health authority pursuant
5 to section 14-5312.01 existing at the same time, the treatment and placement
6 decisions made by the treatment agency assigned by the court to supervise and
7 administer the patient's treatment program pursuant to the court order for
8 treatment are controlling unless the court orders otherwise.

9 K. The court shall file a report as part of the court record on its
10 findings of alternatives for treatment.

11 L. Treatment shall not include psychosurgery, lobotomy or any other
12 brain surgery without specific informed consent of the patient or the
13 patient's legal guardian and an order of the superior court in the county in
14 which the treatment is proposed, approving with specificity the use of the
15 treatment.

16 M. The medical director or any person, agency or organization used by
17 the medical director to supervise the terms of an outpatient treatment plan
18 shall not be held civilly liable for any acts committed by a patient while on
19 outpatient treatment if the medical director, person, agency or organization
20 has in good faith followed the requirements of this section.

21 N. A peace officer who in good faith apprehends and transports a
22 patient to an inpatient treatment facility on the order of the medical
23 director of the outpatient treatment facility pursuant to subsection E,
24 paragraph 5 of this section is not subject to civil liability.

25 O. If a person has been found, as a result of a mental disorder, to
26 constitute a danger to self or others or to be persistently or acutely
27 disabled or gravely disabled and the court enters an order for treatment
28 pursuant to subsection A of this section, the court shall grant access to the
29 person's name, date of birth, social security number and date of commitment
30 to the department of public safety to comply with the requirements of title
31 13, chapter 31 and title 32, chapter 26.

32 Sec. 5. Section 36-542, Arizona Revised Statutes, is amended to read:

33 36-542. Discharge of patient at expiration of period ordered by
34 court; change to voluntary status; relief from civil
35 liability

36 A. A patient ordered by a court to undergo treatment ~~as a danger to~~
37 ~~others, a danger to self or persistently or acutely disabled~~ PURSUANT TO THIS
38 ARTICLE shall be discharged from treatment at the expiration of the period of
39 treatment ordered unless one of the following occurs:

40 1. The person accepts voluntary treatment at the mental health
41 treatment agency.

42 2. ~~Prior to~~ BEFORE the discharge date, a new petition is filed in the
43 county in which the patient is being treated. The proceedings shall then be
44 governed by this article. The costs of the proceedings shall be a charge

1 against the county in which the patient resided or was found prior to
2 hospitalization.

3 B. If a patient to be discharged is under guardianship, the medical
4 director of the mental health treatment agency shall notify the guardian ten
5 days ~~prior to~~ BEFORE discharge.

6 C. The medical director ~~shall~~ IS not ~~be held~~ civilly liable for any
7 acts committed by a discharged patient if the medical director has in good
8 faith followed the requirements of this article.

9 Sec. 6. Section 36-543, Arizona Revised Statutes, is amended to read:

10 36-543. Release from treatment of gravely disabled patient or
11 persistently or acutely disabled patient; annual
12 review; court order for continued treatment

13 A. A patient found to be gravely disabled or persistently or acutely
14 disabled and ordered to undergo treatment may be released from inpatient
15 treatment when, in the opinion of the medical director of the mental health
16 treatment agency, the level of care offered by the agency is no longer
17 required. The patient may agree to continue treatment voluntarily. If the
18 patient is to be released, the medical director shall arrange for an
19 appropriate alternative placement.

20 B. If a patient to be released FROM INPATIENT TREATMENT is under
21 guardianship ~~as a gravely disabled person or as a persistently or acutely~~
22 ~~disabled person~~, the medical director of the mental health treatment agency
23 shall notify the guardian and any relevant regional behavioral health
24 authority ten days before the intended release date that the ward no longer
25 requires the level of care offered by the agency. The guardian and, if
26 relevant, the regional behavioral health authority shall arrange alternative
27 placement with the advice and recommendations of the medical director of the
28 mental health treatment agency.

29 C. The medical director of the mental health treatment agency is not
30 civilly liable for any acts committed by the released patient if the medical
31 director has in good faith complied with the requirements of this article.

32 D. WITHIN NINETY DAYS BEFORE THE EXPIRATION OF A COURT ORDER FOR
33 TREATMENT, THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY SHALL
34 CONDUCT AN ANNUAL REVIEW OF a patient who has been found to be gravely
35 disabled OR PERSISTENTLY OR ACUTELY DISABLED and is undergoing court-ordered
36 treatment ~~shall have an annual review~~ to determine whether the continuation
37 of court-ordered treatment is appropriate and to assess the needs of the
38 patient for guardianship or conservatorship, or both. THE ANNUAL REVIEW
39 SHALL CONSIST OF THE MENTAL HEALTH TREATMENT AND CLINICAL RECORDS CONTAINED
40 IN THE PATIENT'S TREATMENT FILE. THE MENTAL HEALTH TREATMENT AGENCY SHALL
41 KEEP A RECORD OF THE ANNUAL REVIEW. IF THE MEDICAL DIRECTOR BELIEVES THAT A
42 CONTINUATION OF COURT-ORDERED TREATMENT IS APPROPRIATE, the medical director
43 of the mental health treatment agency shall appoint one or more ~~examiners~~
44 ~~qualified~~ PSYCHIATRISTS to carry out ~~the review, at least one of whom shall~~
45 ~~be a psychiatrist licensed to practice in this state, and may at the~~

1 ~~discretion of the medical director appoint one or more additional examiners~~ A
2 PSYCHIATRIC EXAMINATION OF THE PATIENT. IN ANY PROCEEDING CONDUCTED PURSUANT
3 TO THIS SECTION, A PATIENT HAS THE RIGHT TO HAVE AN ANALYSIS OF THE PATIENT'S
4 MENTAL CONDITION BY AN INDEPENDENT EVALUATION PURSUANT TO SECTION 36-538.

5 ~~E. A patient who has been found to be persistently or acutely disabled~~
6 ~~and who is undergoing court ordered treatment shall have an annual review to~~
7 ~~determine whether the continuation of court ordered treatment is appropriate~~
8 ~~if the medical director of the mental health treatment agency determines that~~
9 ~~the patient has been substantially noncompliant with treatment during the~~
10 ~~period of the court order. The medical director of the mental health~~
11 ~~treatment agency shall appoint one or more examiners qualified to carry out~~
12 ~~the review, at least one of whom shall be a psychiatrist licensed to practice~~
13 ~~in this state.~~

14 ~~F. E.~~ Each examiner participating in the ~~annual review of a gravely~~
15 ~~disabled person or a persistently or acutely disabled person~~ PSYCHIATRIC
16 EXAMINATION OF THE PATIENT shall submit a report to the medical director of
17 the mental health treatment agency ~~which~~ THAT includes the following:

18 1. The examiner's opinions as to whether the patient continues to be
19 gravely disabled or persistently or acutely disabled AS THE RESULT OF A
20 MENTAL DISORDER and in need of CONTINUED COURT-ORDERED treatment. IN
21 EVALUATING THE PATIENT'S NEED FOR CONTINUED COURT-ORDERED TREATMENT, THE
22 EXAMINER MUST CONSIDER, ALONG WITH ALL OTHER EVIDENCE, THE PATIENT'S HISTORY
23 BEFORE AND DURING THE CURRENT PERIOD OF COURT-ORDERED TREATMENT, THE
24 PATIENT'S COMPLIANCE WITH RECOMMENDED TREATMENT AND ANY OTHER EVIDENCE
25 RELEVANT TO THE PATIENT'S ABILITY AND WILLINGNESS TO FOLLOW RECOMMENDED
26 TREATMENT WITH OR WITHOUT A COURT ORDER.

27 2. A statement as to whether suitable alternatives to court-ordered
28 treatment are available.

29 3. A statement as to whether voluntary treatment would be appropriate.

30 4. A review of the patient's status as to guardianship or
31 conservatorship, or both, the adequacy of existing protections of the patient
32 and the continued need for guardianship or conservatorship, or both. If the
33 examiner concludes that the patient's needs in these areas are not being
34 adequately met, the examiner's report shall recommend that the court order an
35 investigation into the patient's needs.

36 5. IF THE PATIENT HAS AN EXISTING GUARDIAN WHO DOES NOT HAVE THE
37 MENTAL HEALTH POWERS AUTHORIZED PURSUANT TO SECTION 14-5312.01, A
38 RECOMMENDATION AS TO WHETHER THE ADDITIONAL MENTAL HEALTH POWERS AUTHORIZED
39 BY SECTION 14-5312.01 SHOULD BE IMPOSED ON THE EXISTING GUARDIAN AND WHETHER
40 THE PATIENT'S NEEDS CAN BE ADEQUATELY ADDRESSED BY A GUARDIAN WITH MENTAL
41 HEALTH POWERS WITHOUT THE NEED FOR A COURT ORDER FOR TREATMENT OR WHETHER THE
42 COURT ORDER FOR TREATMENT SHOULD CONTINUE REGARDLESS OF THE ADDITIONAL MENTAL
43 HEALTH POWERS IMPOSED ON THE GUARDIAN.

1 6. THE RESULTS OF ANY PHYSICAL EXAMINATION CONDUCTED DURING THE PERIOD
2 OF COURT-ORDERED TREATMENT IF RELEVANT TO THE PSYCHIATRIC CONDITION OF THE
3 PATIENT.

4 ~~G. The medical director of the mental health treatment agency shall
5 forward the results of the annual review of a gravely disabled person or a
6 persistently or acutely disabled person to the court including the medical
7 director's recommendation based on the review which may be release of the
8 patient without delay, release with delay or no release. If the patient does
9 not have a guardian, the court, on receipt of the medical director's report,
10 shall appoint an attorney to represent the patient. An attorney appointed
11 under this subsection, within three days after appointment, to the extent
12 possible, shall fulfill the duties imposed by section 36-537 and review the
13 medical director's report and the patient's medical records, interview the
14 physician who prepared the report and, if appropriate, request a hearing. At
15 all proceedings conducted pursuant to this section, a patient has the right
16 to have an analysis of the patient's mental condition by an independent
17 evaluator pursuant to section 36-538. If the patient is under guardianship
18 pursuant to section 14-5312.01, a copy of the report shall be mailed to the
19 patient's guardian. If the medical director's recommendation is no release
20 or release with delay, the court may accept the report and recommendation of
21 the medical director or order a hearing. The hearing shall be held within
22 three weeks of the request. At the hearing the court may order the patient
23 released or may order that treatment be continued. The court may also order
24 an investigation into the need for guardianship or conservatorship, or both.~~

25 F. AFTER CONDUCTING THE ANNUAL REVIEW AS PRESCRIBED IN THIS SECTION,
26 IF THE MEDICAL DIRECTOR BELIEVES THAT CONTINUED COURT-ORDERED TREATMENT IS
27 NECESSARY OR APPROPRIATE, NOT LATER THAN THIRTY DAYS BEFORE THE EXPIRATION OF
28 THE COURT ORDER FOR TREATMENT, THE MEDICAL DIRECTOR SHALL FILE WITH THE COURT
29 AN APPLICATION FOR CONTINUED COURT-ORDERED TREATMENT ALLEGING THE BASIS FOR
30 THE APPLICATION AND SHALL FILE SIMULTANEOUSLY WITH THE APPLICATION ANY
31 PSYCHIATRIC EXAMINATION CONDUCTED AS PART OF THE ANNUAL REVIEW. IF THE
32 PATIENT IS UNDER GUARDIANSHIP, THE MEDICAL DIRECTOR SHALL MAIL A COPY OF THE
33 APPLICATION TO THE PATIENT'S GUARDIAN.

34 G. IF AN APPLICATION FOR CONTINUED COURT-ORDERED TREATMENT IS FILED,
35 ALL OF THE FOLLOWING APPLY:

36 1. IF THE PATIENT DOES NOT HAVE AN ATTORNEY, THE COURT SHALL APPOINT
37 AN ATTORNEY TO REPRESENT THE PATIENT.

38 2. WITHIN TEN DAYS AFTER APPOINTMENT, AN ATTORNEY APPOINTED PURSUANT
39 TO THIS SUBSECTION, TO THE EXTENT POSSIBLE, SHALL FULFILL THE DUTIES IMPOSED
40 PURSUANT TO SECTION 36-537, REVIEW THE MEDICAL DIRECTOR'S REPORT AND THE
41 PATIENT'S MEDICAL RECORDS, INTERVIEW ANY PHYSICIAN WHO PREPARED A REPORT ON
42 THE ANNUAL REVIEW AND FILE A RESPONSE REQUESTING A HEARING OR SUBMITTING THE
43 MATTER TO THE COURT FOR A RULING BASED ON THE RECORD WITHOUT A HEARING.

1 3. IF A HEARING IS NOT REQUESTED, THE COURT SHALL RULE ON THE
2 APPLICATION OR SET THE MATTER FOR HEARING. IF A HEARING IS REQUESTED, THE
3 HEARING SHALL BE HELD WITHIN THREE WEEKS AFTER THE REQUEST FOR HEARING IS
4 FILED. THE HEARING MAY BE CONTINUED FOR GOOD CAUSE ON MOTION OF A PARTY OR
5 ON THE COURT'S OWN MOTION, AND THE EXPIRATION OF THE CURRENT COURT ORDER FOR
6 TREATMENT MAY BE EXTENDED UNTIL A RULING BY THE COURT ON AN APPLICATION FILED
7 PURSUANT TO THIS SUBSECTION.

8 4. THE PATIENT'S ATTORNEY MUST BE PRESENT AT ALL HEARINGS AND MAY
9 SUBPOENA AND CROSS-EXAMINE WITNESSES AND PRESENT EVIDENCE. THE PATIENT HAS
10 THE RIGHT TO ATTEND ALL HEARINGS, BUT MAY CHOOSE NOT TO ATTEND A HEARING.
11 THE PATIENT'S ATTORNEY MAY WAIVE THE PATIENT'S PRESENCE AFTER SPEAKING WITH
12 THE PATIENT AND CONFIRMING THAT THE PATIENT UNDERSTANDS THE RIGHT TO BE
13 PRESENT AND DOES NOT DESIRE TO ATTEND. IF THE PATIENT IS UNABLE TO BE
14 PRESENT AT THE HEARING FOR MEDICAL OR PSYCHIATRIC REASONS AND THE HEARING
15 CANNOT BE CONDUCTED WHERE THE PATIENT IS BEING TREATED OR CONFINED, OR THE
16 PATIENT CANNOT APPEAR BY ANOTHER REASONABLY FEASIBLE MEANS, THE COURT SHALL
17 REQUIRE CLEAR AND CONVINCING EVIDENCE THAT THE PATIENT IS UNABLE TO BE
18 PRESENT AT THE HEARING AND ON SUCH A FINDING MAY PROCEED WITH THE HEARING IN
19 THE PATIENT'S ABSENCE.

20 5. THE EVIDENCE PRESENTED BY THE APPLICANT INCLUDES THE TESTIMONY OF
21 ONE OR MORE WITNESSES ACQUAINTED WITH THE PATIENT DURING THE PERIOD OF
22 COURT-ORDERED TREATMENT, WHICH MAY BE SATISFIED BY A STATEMENT AGREED ON BY
23 THE PARTIES, AND THE TESTIMONY OF ANY PHYSICIAN WHO PERFORMED AN ANNUAL
24 REVIEW OF THE PATIENT, WHICH MAY BE SATISFIED BY STIPULATING TO THE ADMISSION
25 OF THE EXAMINING PHYSICIANS' WRITTEN REPORT PREPARED PURSUANT SUBSECTION E OF
26 THIS SECTION. THE COURT MAY WAIVE THE NEED FOR THE APPLICANT TO PRESENT THE
27 TESTIMONY OF WITNESSES ACQUAINTED WITH THE PATIENT AS REQUIRED BY THIS
28 SUBSECTION, IF IT FINDS THAT THE NEED FOR A CONTINUED COURT ORDER FOR
29 TREATMENT HAS BEEN ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE FROM THE
30 OTHER TESTIMONY AND EVIDENCE PRESENTED AT THE HEARING.

31 6. AT A HEARING HELD PURSUANT TO THIS SUBSECTION, THE COURT, WITH
32 NOTICE, MAY IMPOSE ON AN EXISTING GUARDIAN ADDITIONAL POWERS PURSUANT TO
33 SECTION 14-5312.01. IF THE COURT FINDS THAT THE PATIENT'S NEEDS CAN BE
34 ADEQUATELY MET BY AN EXISTING GUARDIAN WITH THE ADDITIONAL POWERS PURSUANT TO
35 SECTION 14-5312.01 AND THAT A COURT ORDER FOR TREATMENT IS NOT NECESSARY TO
36 ENSURE COMPLIANCE WITH NECESSARY TREATMENT, THE COURT MAY TERMINATE THE COURT
37 ORDER FOR TREATMENT OR DECLINE TO ISSUE AN ORDER CONTINUING COURT-ORDERED
38 TREATMENT. THE COURT MAY ALSO ORDER AN INVESTIGATION INTO THE NEED FOR
39 GUARDIANSHIP OR CONSERVATORSHIP, OR BOTH, AND MAY APPOINT A SUITABLE PERSON
40 OR AGENCY TO CONDUCT THE INVESTIGATION. THE APPOINTEE MAY INCLUDE A
41 COURT-APPOINTED GUARDIAN AD LITEM, A COURT-APPOINTED INVESTIGATOR PURSUANT TO
42 SECTION 14-5308 OR THE PUBLIC FIDUCIARY IF THERE IS NO PERSON WILLING AND
43 QUALIFIED TO ACT IN THAT CAPACITY. THE COURT SHALL GIVE NOTICE OF THE
44 APPOINTMENT TO THE APPOINTEE WITHIN THREE DAYS AFTER THE APPOINTMENT. THE
45 APPOINTEE SHALL SUBMIT THE REPORT OF THE INVESTIGATION TO THE COURT WITHIN

1 TWENTY-ONE DAYS. THE REPORT SHALL INCLUDE RECOMMENDATIONS AS TO WHO SHOULD
2 BE GUARDIAN OR CONSERVATOR, OR BOTH, AND THE FINDINGS AND REASONS FOR THE
3 RECOMMENDATION. IF THE INVESTIGATION AND REPORT SO INDICATE, THE COURT MAY
4 AUTHORIZE AN APPROPRIATE PERSON TO FILE A PETITION FOR APPOINTMENT OF A
5 GUARDIAN OR CONSERVATOR FOR THE PATIENT.

6 H. If a hearing is held pursuant to subsection G of this section, the
7 party seeking the renewal of the court order must prove all of the following
8 by clear and convincing evidence:

9 1. The patient CONTINUES TO HAVE A MENTAL DISORDER AND, AS A RESULT OF
10 THAT DISORDER, is ~~one of the following:~~ EITHER PERSISTENTLY OR ACUTELY
11 DISABLED OR IS GRAVELY DISABLED.

12 ~~(a) A danger to self.~~

13 ~~(b) A danger to others.~~

14 ~~(c) Persistently or acutely disabled.~~

15 ~~(d) Gravely disabled.~~

16 2. The patient is in need of CONTINUED COURT-ORDERED treatment.

17 3. The patient is either unwilling or unable to accept treatment
18 voluntarily.

19 I. AFTER A HEARING HELD PURSUANT TO SUBSECTION G OF THIS SECTION, THE
20 COURT MAY ORDER THE PATIENT TO BE RELEASED FROM COURT-ORDERED TREATMENT OR TO
21 UNDERGO CONTINUED COURT-ORDERED TREATMENT FOR A PERIOD NOT TO EXCEED THE TIME
22 PERIODS PRESCRIBED IN SECTION 36-540, SUBSECTION D.

23 ~~I.~~ J. The deputy director shall create and operate a program to
24 ~~assure~~ ENSURE that the examination and review of gravely disabled persons or
25 persistently or acutely disabled persons ~~who have been substantially~~
26 ~~noncompliant while~~ under court order are carried out in an effective and
27 timely manner. The deputy director, with the approval of the director, shall
28 adopt rules needed to operate this program.

29 Sec. 7. Section 36-548, Arizona Revised Statutes, is amended to read:

30 36-548. Court-ordered treatment by the United States department
31 of veterans affairs or other agency of the United
32 States

33 A. Whenever, in any proceeding under the laws of this state for the
34 court-ordered treatment of a person alleged to be, as a result of a mental
35 disorder, a danger to self or to others, PERSISTENTLY OR ACUTELY DISABLED or
36 gravely disabled, it is determined after such adjudication of the status of
37 such person as may be required by law that hospitalization in a mental health
38 treatment agency is necessary for treatment, and it appears that the person
39 is eligible for care or treatment by the ~~veterans administration~~ UNITED
40 STATES DEPARTMENT OF VETERANS AFFAIRS or other agency of the United States,
41 the court, ~~upon~~ ON receipt of a certificate from the ~~veterans administration~~
42 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS or other agency showing that
43 facilities are available and that the person is eligible for care or
44 treatment, may order the person to undergo treatment by the ~~veterans~~
45 ~~administration~~ UNITED STATES DEPARTMENT OF VETERANS AFFAIRS or other agency

1 of the United States. A person hospitalized in a ~~veterans-administration~~
2 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS facility or institution operated
3 by another agency of the United States in accordance with the court's order
4 for treatment shall be subject to the rules and regulations of the ~~veterans~~
5 ~~administration~~ UNITED STATES DEPARTMENT OF VETERANS AFFAIRS or other agency
6 whether the facility is located within or without the state. The chief
7 officer of the ~~veterans-administration~~ UNITED STATES DEPARTMENT OF VETERANS
8 AFFAIRS facility or other institution by another agency of the United States
9 in which the person is hospitalized shall with respect to the person be
10 vested with the same powers as the medical director of a mental health
11 treatment agency with respect to the continuation of hospitalization or
12 release. Jurisdiction is retained by the court ~~which~~ THAT ordered the
13 treatment of the patient or other superior court of the state at any time to
14 inquire into the mental condition of the person and to determine the
15 necessity for continuance of ~~his~~ THE PERSON'S hospitalization.

16 B. The judgment or order of commitment by a court of competent
17 jurisdiction of another state or of the District of Columbia, ~~—~~ committing a
18 person to the ~~veterans-administration~~ UNITED STATES DEPARTMENT OF VETERANS
19 AFFAIRS or other agency of the United States for care or treatment, ~~—~~ shall
20 have the same force and effect as to the committed person while in this state
21 as in the jurisdiction where the court ~~which~~ THAT entered the judgment or
22 made the order is located, and the courts of the committing state, ~~—~~ or of the
23 District of Columbia, ~~—~~ shall be deemed to have retained jurisdiction of the
24 person so committed for the purpose of inquiring into the mental condition of
25 the person, and of determining the necessity for continuance of ~~his~~ THE
26 PERSON'S hospitalization as provided by subsection A OF THIS SECTION with
27 respect to persons ordered to undergo treatment by the courts of this
28 state. Consent is given to the application of the law of the committing
29 state or District of Columbia with respect to the authority of the chief
30 officer of any facility of the ~~veterans-administration~~ UNITED STATES
31 DEPARTMENT OF VETERANS AFFAIRS or any institution operated in this state by
32 any other agency of the United States to retain custody, ~~—~~ OF or transfer,
33 parole, or discharge the committed person.

34 C. ~~Upon~~ ON receipt of a certificate of the ~~veterans-administration~~
35 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS or other agency of the United
36 States that facilities are available for the care or treatment of any person
37 ~~heretofore~~ ordered to undergo treatment in a mental health treatment agency
38 and that the person is eligible for care or treatment, the medical director
39 of the mental health treatment agency may cause the transfer of the person to
40 a ~~veterans-administration~~ UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
41 facility or institution operated by another agency of the United States for
42 care or treatment. ~~Upon~~ ON effecting any such transfer, the superior court
43 ~~which~~ THAT ordered treatment for the patient shall be notified ~~thereof~~ by the
44 transferring agency. ~~No~~ A person shall NOT be transferred to a ~~veterans~~
45 ~~administration~~ UNITED STATES DEPARTMENT OF VETERANS AFFAIRS facility or

1 institution operated by another agency of the United States if ~~he~~ THE PERSON
2 is confined pursuant to an order of a superior court under rules of criminal
3 procedure, unless ~~prior to~~ BEFORE THAT transfer the superior court enters an
4 order for the transfer.

5 D. A person transferred as provided in this section is deemed to have
6 been ordered to undergo treatment by the ~~veterans-administration~~ UNITED
7 STATES DEPARTMENT OF VETERANS AFFAIRS or other agency of the United States
8 pursuant to the original court order for treatment. ~~No~~ A person ordered to
9 undergo treatment by the ~~veterans-administration~~ UNITED STATES DEPARTMENT OF
10 VETERANS AFFAIRS or transferred to the ~~veterans-administration~~ UNITED STATES
11 DEPARTMENT OF VETERANS AFFAIRS as provided in this section shall NOT be
12 removed from the state for evaluation or treatment without specific informed
13 consent of the patient or ~~his~~ THE PERSON'S legal guardian.