

REFERENCE TITLE: **rights of caregivers; recognition**

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SCR 1005

Introduced by
Senators Barto: Bradley, Burges, Farnsworth D, Lesko, Pancrazi, Worsley,
Yee; Representative Norgaard

A CONCURRENT RESOLUTION

**RECOGNIZING THE RIGHTS OF FAMILY MEMBERS, CAREGIVERS AND GUARDIANS OF
INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

Whereas, family members, caregivers and guardians of an individual with a serious mental illness are recognized as being an integral part of that individual's treatment team; and

Whereas, federal and state laws allow many routine and often critical communications between behavioral health care providers and a patient's family members, caregivers and guardians; and

Whereas, current rules, policies and practices among behavioral health care providers fail to consider the critical role played by actively involved family members, caregivers and guardians in the effective treatment, care and supervision of individuals with a serious mental illness; and

Whereas, family members, caregivers and guardians are often excluded from decision making due to the misinterpretation of federal patient privacy laws, resulting in a lack of family engagement in patient intake and treatment decisions and discharge planning; and

Whereas, it is in the best interests of individuals with a serious mental illness for their behavioral health care providers to have access to any critical medical information and history known to family members, caregivers and guardians as this knowledge will enhance treatment; and

Whereas, existing federal and state laws allow for family members, caregivers and guardians of an individual with a serious mental illness to share critical medical information and history with that individual's behavioral health care providers; and

Whereas, it is not in the best interests of an individual with a serious mental illness to be discharged to a family member, caregiver or guardian without first equipping that family member, caregiver or guardian with sufficient information and resources to provide adequate supportive and ongoing care.

Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Members of the Legislature recognize that family members, caregivers and guardians of an individual with a serious mental illness have the right to communicate with all providers of behavioral health care services for that individual.

2. That the Members of the Legislature recognize that family members, caregivers and guardians of an individual with a serious mental illness have the right to be treated with respect and compassion when seeking the appropriate treatment and care for that individual.

3. That the Members of the Legislature recognize that it is essential for the treatment team of an individual with a serious mental illness to make every effort to establish a complete medical history that includes information received from family members, caregivers and guardians and to actively include family members, caregivers and guardians in treatment planning.

1 4. That the Members of the Legislature recognize that family members,
2 caregivers and guardians of an individual with a serious mental illness have
3 the right to receive access to approved information during discharge planning
4 if there is an executed release of information on file or if a valid
5 guardianship is in place.

6 5. That the Members of the Legislature recognize that family members,
7 caregivers and guardians of an individual with a serious mental illness
8 should receive information that will enable them to effectively evaluate the
9 safety and security of their homes on discharge of that individual into their
10 care.

11 6. That the Members of the Legislature recognize that family members,
12 caregivers and guardians of an individual with a serious mental illness have
13 the right to expect to receive information relating to support services
14 available in the community at all levels of service, including family
15 support, education, counseling and grief counseling.

16 7. That the Members of the Legislature recognize that family members,
17 caregivers and guardians of an individual with a serious mental illness have
18 the right to file a grievance, complaint or concern without fear of
19 retaliation and to expect to receive information regarding the process of
20 such filings.