

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

# SENATE BILL 1195

## AN ACT

AMENDING SECTIONS 36-501, 36-520, 36-521, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-521.01 AND 36-521.02; AMENDING SECTIONS 36-522, 36-523 AND 36-524, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-524.01; AMENDING SECTIONS 36-525, 36-526, 36-527, 36-528, 36-529, 36-530 AND 36-531, 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 36-501, Arizona Revised Statutes, is amended to  
3 read:

4 36-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment  
7 system administration.

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

13 3. "Chief medical officer" means the chief medical officer under  
14 the supervision of the superintendent of the state hospital.

15 4. "Contraindicated" means that access is reasonably likely to  
16 endanger the life or physical safety of the patient or another person.

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

20 6. "Criminal history" means police reports, lists of prior arrests  
21 and convictions, criminal case pleadings and court orders, including a  
22 determination that the person has been found incompetent to stand trial  
23 pursuant to section 13-4510.

24 7. "Danger to others" means that the judgment of a person who has a  
25 mental disorder is so impaired that the person is unable to understand the  
26 person's need for treatment and as a result of the person's mental  
27 disorder the person's continued behavior can reasonably be expected, on  
28 the basis of competent medical opinion, to result in serious physical  
29 harm.

30 8. "Danger to self":

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

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

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

39 (b) Does not include behavior that establishes only the condition  
40 of having a grave disability.

41 9. "Department" means the department of health services.

42 10. "Detention" means the taking into custody of a patient or  
43 proposed patient.

44 11. "Director" means the director of the administration.

45 12. "Evaluation" means:

1 (a) A professional multidisciplinary analysis that may include  
2 firsthand observations or remote observations by interactive audiovisual  
3 media and that is based on data describing the person's identity,  
4 biography and medical, psychological and social conditions carried out by  
5 a group of persons consisting of ~~not less than~~ AT LEAST the following:

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

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

26 (b) A physical examination that is consistent with the existing  
27 standards of care and that is performed by one of the evaluating  
28 physicians or by or under the supervision of a physician who is licensed  
29 pursuant to title 32, chapter 13 or 17 or a registered nurse practitioner  
30 who is licensed pursuant to title 32, chapter 15 if the results of that  
31 examination are reviewed or augmented by one of the evaluating physicians.

32 13. "Evaluation agency" means a health care agency that is licensed  
33 by the department and that has been approved pursuant to this  
34 title, ~~providing~~ TO PROVIDE those services required of ~~such~~ THE agency by  
35 this chapter.

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

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

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

1           17. "Health care entity" means a health care provider, the  
2 department, the administration or a regional behavioral health authority  
3 under contract with the administration.

4           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           19. "Independent evaluator" means a licensed physician, psychiatric  
8 and mental health nurse practitioner or psychologist selected by the  
9 person to be evaluated or by ~~such~~ THE person's attorney.

10          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  
13 any procedures.

14          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          22. "Licensed physician" means any medical doctor or doctor of  
19 ~~osteopathy~~ OSTEOPATHIC MEDICINE 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  
23 States government.

24          23. "Medical director ~~of an evaluation agency~~" means THE MEDICAL  
25 DIRECTOR OF A SCREENING AGENCY, EVALUATION AGENCY OR MENTAL HEALTH  
26 TREATMENT AGENCY WHO IS a psychiatrist, or other licensed physician  
27 experienced in psychiatric matters, AND who is designated in writing by  
28 the governing body of the agency as the person in charge of the medical  
29 services of the agency for the purposes of this chapter and may include  
30 the chief medical officer of the state hospital.

31          ~~24. "Medical director of a mental health treatment agency" means a~~  
32 ~~psychiatrist, or other licensed physician experienced in psychiatric~~  
33 ~~matters, who is designated in writing by the governing body of the agency~~  
34 ~~as the person in charge of the medical services of the agency for the~~  
35 ~~purposes of this chapter and includes the chief medical officer of the~~  
36 ~~state hospital.~~

37          24. "MEDICALLY READY FOR DISCHARGE" MEANS THAT, THOUGH A PERSON MAY  
38 HAVE A MENTAL DISORDER AND IS IN NEED OF SCREENING, EVALUATION OR  
39 TREATMENT PURSUANT TO THIS CHAPTER, THE PERSON'S MEDICAL CONDITION IS SUCH  
40 THAT THE PERSON MAY BE SAFELY DISCHARGED FROM A NONEVALUATING HOSPITAL.

41          25. "Mental disorder" means a substantial disorder of the person's  
42 emotional processes, thought, cognition or memory. Mental disorder is  
43 distinguished from:

1 (a) Conditions that are primarily those of drug abuse, alcoholism  
2 or intellectual disability, unless, in addition to one or more of these  
3 conditions, the person has a mental disorder.

4 (b) The declining mental abilities that directly accompany  
5 impending death.

6 (c) Character and personality disorders characterized by lifelong  
7 and deeply ingrained antisocial behavior patterns, including sexual  
8 behaviors that are abnormal and prohibited by statute unless the behavior  
9 results from a mental disorder.

10 26. "Mental health provider" means any physician or provider of  
11 mental health or behavioral health services WHO IS involved in evaluating,  
12 caring for, treating or rehabilitating a patient.

13 27. "Mental health treatment agency" means the state hospital or a  
14 health care agency that is licensed by the department and that provides  
15 those services that are required of the agency by this chapter.

16 28. "NONEVALUATING HOSPITAL" MEANS A HEALTH CARE AGENCY THAT IS NOT  
17 LICENSED BY THE DEPARTMENT TO AND HAS NOT BEEN APPROVED PURSUANT TO THIS  
18 CHAPTER TO PROVIDE THOSE SERVICES REQUIRED OF AN EVALUATING AGENCY UNDER  
19 THIS CHAPTER.

20 ~~28.~~ 29. "Outpatient treatment" or "combined inpatient and  
21 outpatient treatment" means any treatment program not requiring continuous  
22 inpatient hospitalization.

23 ~~29.~~ 30. "Outpatient treatment plan" means a treatment plan that  
24 does not require continuous inpatient hospitalization.

25 ~~30.~~ 31. "Patient" means any person WHO IS undergoing examination,  
26 evaluation or behavioral or mental health treatment under this chapter.

27 ~~31.~~ 32. "Peace officers" means sheriffs of counties, constables,  
28 marshals and policemen of cities and towns.

29 ~~32.~~ 33. "Persistent or acute disability" means a severe mental  
30 disorder that meets all OF the following criteria:

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

35 (b) Substantially impairs the person's capacity to make an informed  
36 decision regarding treatment, and this impairment causes the person to be  
37 incapable of understanding and expressing an understanding of the  
38 advantages and disadvantages of accepting treatment and understanding and  
39 expressing an understanding of the alternatives to the particular  
40 treatment offered after the advantages, disadvantages and alternatives are  
41 explained to that person.

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

44 ~~33.~~ 34. "Prepetition screening" means the review of each  
45 application requesting court-ordered evaluation, including an

1 investigation of facts alleged in such AN application, an interview with  
2 each applicant and an interview, if possible, with the proposed  
3 patient. The purpose of the interview with the proposed patient is to  
4 assess the problem, explain the application and, when indicated, attempt  
5 to persuade the proposed patient to receive, on a voluntary basis,  
6 evaluation or other services.

7 ~~34.~~ 35. "Prescribed form" means a form established by a court or  
8 the rules of the administration in accordance with the laws of this state.

9 ~~35.~~ 36. "Professional" means a physician who is licensed pursuant  
10 to title 32, chapter 13 or 17, a psychologist who is licensed pursuant to  
11 title 32, chapter 19.1 or a psychiatric and mental health nurse  
12 practitioner who is certified pursuant to title 32, chapter 15.

13 ~~36.~~ 37. "Proposed patient" means a person for whom an application  
14 for evaluation has been made or a petition for court-ordered evaluation  
15 has been filed.

16 ~~37.~~ 38. "Prosecuting agency" means the county attorney, attorney  
17 general or city attorney who applied or petitioned for an evaluation or  
18 treatment pursuant to this chapter.

19 ~~38.~~ 39. "Psychiatric and mental health nurse practitioner" means a  
20 registered nurse practitioner as defined in section 32-1601 who has  
21 completed an adult or family psychiatric and mental health nurse  
22 practitioner program and who is certified as an adult or family  
23 psychiatric and mental health nurse practitioner by the ARIZONA state  
24 board of nursing.

25 ~~39.~~ 40. "Psychiatrist" means a licensed physician who has  
26 completed three years of graduate training in psychiatry in a program  
27 approved by the American medical association or the American osteopathic  
28 association.

29 ~~40.~~ 41. "Psychologist" means a person who is licensed under title  
30 32, chapter 19.1 and who is experienced in the practice of clinical  
31 psychology.

32 ~~41.~~ 42. "Records" means all communications that are recorded in  
33 any form or medium and that relate to patient examination, evaluation or  
34 behavioral or mental health treatment. Records include medical records  
35 that are prepared by a health care provider or other providers. Records  
36 do not include:

37 (a) Materials that are prepared in connection with utilization  
38 review, peer review or quality assurance activities, including records  
39 that a health care provider prepares pursuant to section 36-441, 36-445,  
40 36-2402 or 36-2917.

41 (b) Recorded telephone and radio calls to and from a publicly  
42 operated emergency dispatch office relating to requests for emergency  
43 services or reports of suspected criminal activity.

44 ~~42.~~ 43. "Regional behavioral health authority" has the same  
45 meaning prescribed in section 36-3401.

~~43.~~ 44. "Screening agency" means a health care agency that is licensed by the department and that provides those services required of ~~such~~ THE agency by this chapter.

~~44.~~ 45. "Social worker" means a person who has completed two years of graduate training in social work in a program approved by the council of social work education and who has experience in mental health.

~~45.~~ 46. "State hospital" means the Arizona state hospital.

~~46.~~ 47. "Superintendent" means the superintendent of the state hospital.

Sec. 2. Section 36-520, Arizona Revised Statutes, is amended to read:

36-520. Application for evaluation; definition

A. Any responsible individual may apply for a court-ordered evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others or a person with a persistent or acute disability or a grave disability and who is unwilling or unable to undergo a voluntary evaluation. The application shall be made in the prescribed form and manner as adopted by the director.

B. The application for evaluation shall BE PRESENTED TO A SCREENING AGENCY AND include ALL OF the following ~~data~~, IF KNOWN:

1. The name~~,~~ and address ~~if known~~, of the proposed patient for whom evaluation is ~~applied~~ REQUESTED.

2. The PROPOSED PATIENT'S age, date of birth, sex, race, marital status, occupation, social security number, present location~~,~~ AND dates and places of previous hospitalizations. ~~,~~

3. THE names and addresses of the PROPOSED PATIENT'S guardian, AGENT UNDER A HEALTH CARE OR MENTAL HEALTH CARE POWER OF ATTORNEY, spouse, next of kin and significant other persons. ~~And~~

4. Other data that the director may require ~~on the form~~ to whatever extent ~~that~~ this data is known and is applicable to the proposed patient.

5. A STATEMENT OF RELEVANT HISTORY OF THE PROPOSED PATIENT'S MENTAL HEALTH TREATMENT AND COMPLIANCE WITH TREATMENT TO THE EXTENT KNOWN BY THE APPLICANT.

6. COPIES OF ALL DOCUMENTS RELATING TO GUARDIANSHIP OR POWERS OF ATTORNEY THAT ALLOW CONSENT TO INPATIENT PSYCHIATRIC TREATMENT, IF AVAILABLE AT THE TIME OF THE APPLICATION.

~~3.~~ 7. The APPLICANT'S name, address and relationship ~~of~~ TO the ~~person who is applying for the evaluation~~ PROPOSED PATIENT.

~~4.~~ 8. A statement that the proposed patient is believed to be, as a result of a mental disorder, a danger to self or to others or a ~~patient~~ PERSON with a persistent or acute disability or a grave disability and the facts on which this statement is based.

~~5.~~ 9. A statement that the applicant believes THAT the proposed patient is in need of PREPETITION SCREENING, EVALUATION, supervision, care and treatment and the facts on which this statement is based.

1           10. IF THE APPLICANT BELIEVES THAT THE PROPOSED PATIENT IS LIKELY  
2 TO CAUSE OR ENDURE SERIOUS PHYSICAL HARM OR INJURY DURING THE TIME IT  
3 WOULD TAKE FOR COMPLETION OF A PREPETITION SCREENING REPORT, THE FACTS AND  
4 INFORMATION THAT ARE THE BASIS OF THE APPLICANT'S BELIEF.

5           11. THE NAMES AND CONTACT INFORMATION OF PERSONS WHO HAVE WITNESSED  
6 THE BEHAVIOR EXHIBITED BY THE PROPOSED PATIENT ON WHICH THE APPLICATION IS  
7 BASED. THE SCREENING AGENCY MAY NOT DENY OR REFUSE TO PROCESS AN  
8 APPLICATION BECAUSE NO OTHER WITNESSES ARE IDENTIFIED.

9           C. The application shall be signed and notarized. FOR AN  
10 APPLICATION MADE BY A PEACE OFFICER OR A HEALTH CARE PROVIDER WHO IS  
11 LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17 OR 19.1 OR TITLE 32,  
12 CHAPTER 33, ARTICLE 5 OR 6, THE ORIGINAL SIGNATURE OF THE APPLICANT ON A  
13 COPY OF THE APPLICATION IS ACCEPTABLE, DOES NOT HAVE TO BE NOTARIZED AND  
14 MAY BE SUBMITTED AS THE WRITTEN APPLICATION.

15           D. The screening agency shall offer assistance to the applicant in  
16 preparation of the application. IF THE APPLICANT IS NOT A MEDICAL  
17 PROFESSIONAL, THE SCREENING AGENCY SHALL ASSIST THE APPLICANT TO DEVELOP  
18 THE RELEVANT MENTAL HEALTH HISTORY AND FACTUAL BACKGROUND APPROPRIATE TO  
19 COMPLETE THE APPLICATION. THE SCREENING AGENCY SHALL DO THOSE THINGS THAT  
20 ARE REASONABLY NECESSARY TO ALLOW COMPLETION OF THE APPLICATION WITHIN  
21 THREE DAYS AFTER INITIAL CONTACT BY THE APPLICANT, EXCLUDING WEEKENDS AND  
22 HOLIDAYS. On receipt of the application, the screening agency shall  
23 IMMEDIATELY NOTE ON THE FRONT OF THE APPLICATION THE TIME AND DATE OF  
24 RECEIPT AND SHALL LOG THIS INFORMATION IN A RECORD OF APPLICATIONS  
25 RECEIVED BY THE SCREENING AGENCY. THE SCREENING AGENCY SHALL act as  
26 prescribed in section 36-521 within forty-eight hours ~~of the filing of~~  
27 AFTER RECEIVING the application, excluding weekends and holidays. If the  
28 application is not acted ~~upon~~ ON within forty-eight hours, the reasons for  
29 not acting promptly shall be reviewed by the director of the screening  
30 agency or the director's designee.

31           E. If the applicant for the court-ordered evaluation presents the  
32 person to be evaluated at the screening agency, the agency shall conduct a  
33 prepetition screening examination. Except in the case of an emergency  
34 evaluation, the person to be evaluated shall not be detained or forced to  
35 undergo prepetition screening against the person's will.

36           F. If the applicant for the court-ordered evaluation does not  
37 present the person to be evaluated at the screening agency, the agency  
38 shall conduct the prepetition screening at the home of the person to be  
39 evaluated or AT any other place the person to be evaluated is found. If  
40 prepetition screening is not possible, the screening agency shall proceed  
41 as PRESCRIBED in section 36-521, subsection B.

42           G. IF THE PERSON TO BE SCREENED IS LOCATED AT A HOSPITAL, A  
43 SCREENING AGENCY MAY PERFORM THE SCREENING AND EXAMINATION AT THE HOSPITAL  
44 IN PERSON BY A MENTAL HEALTH PROVIDER OR BY TELEMEDICINE IF THE HOSPITAL  
45 AND THE SCREENING AGENCY HAVE THE PERSONNEL AND EQUIPMENT TO DO SO. ALL



1 SCREENINGS CONDUCTED WHILE THE PERSON IS LOCATED AT A HOSPITAL SHALL BE  
2 PRECEDED BY PROVIDING TO THE PERSON A WRITTEN AND ORAL STATEMENT THAT THE  
3 SCREENER IS NOT AFFILIATED WITH THE HOSPITAL AND IS NOT PROVIDING MEDICAL  
4 SERVICES TO THE PERSON AND THAT THE SCREENING IS NOT PHYSICIAN-PATIENT  
5 PRIVILEGED INFORMATION.

6 ~~H.~~ H. If a person is being treated by prayer or spiritual means  
7 alone in accordance with the tenets and practices of a recognized church  
8 or religious denomination by a duly accredited practitioner of that church  
9 or denomination, ~~such~~ THE person may not be ordered evaluated, detained or  
10 involuntarily treated unless the court has determined that the person is,  
11 as a result of mental disorder, a danger to others or to self.

12 ~~H.~~ I. Court-ordered evaluation or treatment pursuant to this  
13 chapter does not operate to change the legal residence of a patient.

14 ~~J.~~ J. If the application is not acted on because it has been  
15 determined that the proposed patient does not need ~~an~~ A SCREENING OR  
16 evaluation, the agency after a period of six months shall destroy the  
17 application and any other evidence of the application.

18 ~~K.~~ K. For the purposes of this section, "person" includes a person  
19 who:

20 1. Is under eighteen years of age.  
21 2. Has been transferred to the criminal division of the superior  
22 court pursuant to section 8-327 or who has been charged with an offense  
23 pursuant to section 13-501.

24 3. Is under the supervision of an adult probation department.

25 Sec. 3. Section 36-521, Arizona Revised Statutes, is amended to  
26 read:

27 36-521. Prepetition screening procedures; preparation of  
28 petition for court-ordered evaluation

29 A. On receiving the application for evaluation, the screening  
30 agency, before filing a petition for court-ordered evaluation, shall  
31 provide prepetition screening within forty-eight hours, excluding weekends  
32 and holidays, ~~when possible~~ to determine whether there is reasonable cause  
33 to believe ~~the allegations of the applicant for the court-ordered~~  
34 ~~evaluation, whether the person will voluntarily receive evaluation at a~~  
35 ~~scheduled time and place and whether the person has a persistent or acute~~  
36 ~~disability or a grave disability or is likely to present a danger to self~~  
37 ~~or others until the voluntary evaluation~~ THE PERSON IS IN NEED OF AN  
38 EVALUATION AS DESCRIBED IN THIS SECTION.

39 B. After prepetition screening has been completed, the screening  
40 agency shall prepare a report of opinions and conclusions. If prepetition  
41 screening is not possible, the screening agency shall prepare a report  
42 giving reasons why the screening was not possible and including opinions  
43 and conclusions of staff members who attempted to conduct prepetition  
44 screening or otherwise investigated the matter.

1 C. If the prepetition screening report indicates that ~~there exists~~  
2 ~~no reasonable cause to believe the allegations of the applicant for the~~  
3 ~~court-ordered evaluation, it shall~~ NO REASONABLE CAUSE EXISTS TO BELIEVE  
4 THE PERSON IS IN NEED OF AN EVALUATION AS DESCRIBED IN THIS SECTION, THE  
5 REPORT SHALL be reviewed by the medical director of the screening agency  
6 or the medical director's designee. THE SCREENING AGENCY SHALL PROVIDE  
7 WRITTEN INFORMATION TO THE APPLICANT AND PROPOSED PATIENT CONCERNING THE  
8 INVOLUNTARY SCREENING, EVALUATION AND TREATMENT PROCESS AND INFORMATION  
9 ABOUT WHERE MENTAL HEALTH TREATMENT MAY BE OBTAINED IN THE COMMUNITY IF  
10 NEEDED. THE SCREENING AGENCY SHALL ALSO PROVIDE WRITTEN INFORMATION ABOUT  
11 LEGAL DECISION-MAKING SUCH AS POWERS OF ATTORNEY AND GUARDIANSHIPS AND  
12 WHERE TO OBTAIN INFORMATION ABOUT THOSE ISSUES.

13 ~~D. If, based on the allegations of the applicant for the~~  
14 ~~court-ordered evaluation and the prepetition screening report or other~~  
15 ~~information obtained while attempting to conduct a prepetition screening,~~  
16 ~~the agency determines that there is reasonable cause to believe that the~~  
17 ~~proposed patient is, as a result of mental disorder, a danger to self or~~  
18 ~~to others or has a persistent or acute disability or a grave disability~~  
19 ~~and that the proposed patient is unable or unwilling to voluntarily~~  
20 ~~receive evaluation or is likely to present a danger to self or to others,~~  
21 ~~has a grave disability or will further deteriorate before receiving a~~  
22 ~~voluntary evaluation, the agency shall prepare a petition for~~  
23 ~~court-ordered evaluation and shall file the petition, which shall be~~  
24 ~~signed by the person who prepared the petition unless the county attorney~~  
25 ~~performs these functions. If the agency determines that there is~~  
26 ~~reasonable cause to believe that the person is in such a condition that~~  
27 ~~without immediate hospitalization he is likely to harm himself or others,~~  
28 ~~the agency shall take all reasonable steps to procure such hospitalization~~  
29 ~~on an emergency basis.~~

30 D. ON REVIEW OF THE APPLICATION FOR EVALUATION, THE SCREENING  
31 REPORT AND OTHER INFORMATION OBTAINED WHILE ATTEMPTING TO CONDUCT A  
32 SCREENING, THE FOLLOWING OPTIONS SHALL BE AVAILABLE TO THE SCREENING  
33 AGENCY IF THE SCREENING AGENCY DETERMINES THAT:

34 1. NO REASONABLE CAUSE EXISTS TO BELIEVE THE PERSON IS IN NEED OF  
35 AN EVALUATION AS DESCRIBED IN THIS SECTION, THE SCREENING AGENCY SHALL  
36 IMMEDIATELY ISSUE A WRITTEN NOTICE. IF THE APPLICANT IS A NONEVALUATING  
37 HOSPITAL OR HEALTH CARE PROVIDER, THE WRITTEN NOTICE SHALL SET FORTH THE  
38 REASONS FOR NOT PROCEEDING WITH THE PETITION FOR COURT-ORDERED EVALUATION  
39 AND IMMEDIATELY GIVE A COPY OF THE NOTICE TO THE NONEVALUATING HOSPITAL OR  
40 HEALTH CARE PROVIDER AND, IF REQUESTED, TO THE PROPOSED PATIENT. IF THE  
41 APPLICATION FOR EVALUATION WAS NOT FROM A NONEVALUATING HOSPITAL OR HEALTH  
42 CARE PROVIDER, THE REASONS FOR NOT PROCEEDING WITH THE PETITION FOR  
43 COURT-ORDERED EVALUATION SHALL BE PROVIDED TO THE APPLICANT TO THE EXTENT  
44 THAT PROVIDING AN EXPLANATION DOES NOT CONFLICT WITH STATE OR FEDERAL LAWS

1 PROTECTING PATIENT PRIVACY. THE NOTICE SHALL BE ON A FORM PRESCRIBED BY  
2 THE DIRECTOR.

3 2. NO REASONABLE CAUSE EXISTS TO BELIEVE THE ALLEGATIONS OF THE  
4 APPLICANT FOR THE PERSON IN NEED OF AN EVALUATION AS DESCRIBED IN THIS  
5 SECTION BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPOSED PATIENT  
6 HAS A MENTAL DISORDER, WOULD BENEFIT FROM FURTHER EVALUATION OR TREATMENT  
7 AND IS ABLE AND WILLING TO PURSUE AND TAKE ADVANTAGE OF FURTHER PRIVATE OR  
8 PUBLIC EVALUATION OR TREATMENT SERVICES AVAILABLE IN THE COMMUNITY, THE  
9 SCREENING AGENCY SHALL RECOMMEND SPECIFIC EVALUATION OR TREATMENT SERVICES  
10 AND SHALL MAKE A DIRECT REFERRAL TO A PERSON, AGENCY OR ORGANIZATION  
11 PROVIDING BEHAVIORAL HEALTH SERVICES IN THE PROPOSED PATIENT'S AREA. THE  
12 PROPOSED PATIENT MAY CHOOSE TO VOLUNTARILY RECEIVE THE SERVICES THAT ARE  
13 OFFERED BY THE SCREENING AGENCY AND FOR WHICH THE PROPOSED PATIENT IS  
14 ELIGIBLE ON EITHER AN INPATIENT OR OUTPATIENT BASIS.

15 3. THE PROPOSED PATIENT IS IN NEED OF AN EVALUATION AND IS CAPABLE  
16 OF CONSENTING TO AND WILL UNDERGO VOLUNTARY EVALUATION AND IS UNLIKELY TO  
17 PRESENT A DANGER TO SELF OR TO OTHERS PENDING THE VOLUNTARY EVALUATION, A  
18 VOLUNTARY EVALUATION MAY BE PERFORMED AS DIRECTED BY THE SCREENING AGENCY  
19 PURSUANT TO SECTION 36-522.

20 4. THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPOSED PATIENT  
21 IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS AND IS  
22 UNWILLING OR UNABLE TO BE VOLUNTARILY EVALUATED AND THAT DURING THE TIME  
23 NECESSARY TO COMPLETE THE SCREENING PROCEDURES SET FORTH IN SECTION 36-520  
24 AND THIS SECTION THE PROPOSED PATIENT IS LIKELY WITHOUT IMMEDIATE  
25 ADMISSION FOR EVALUATION TO SUFFER SERIOUS PHYSICAL HARM OR SERIOUS  
26 ILLNESS OR IS LIKELY TO INFLECT SERIOUS PHYSICAL HARM ON ANOTHER PERSON,  
27 THE SCREENING AGENCY MAY SEEK IMMEDIATE ADMISSION IN AN EVALUATION AGENCY  
28 PURSUANT TO SECTION 36-524.

29 5. THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPOSED PATIENT  
30 IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS OR HAS  
31 A PERSISTENT OR ACUTE DISABILITY OR A GRAVE DISABILITY AND THAT THE  
32 PROPOSED PATIENT IS UNABLE OR UNWILLING TO VOLUNTARILY RECEIVE EVALUATION,  
33 THE AGENCY SHALL PREPARE A PETITION FOR COURT-ORDERED EVALUATION AND SHALL  
34 FILE THE PETITION WITH THE COURT. THE PETITION FOR COURT-ORDERED  
35 EVALUATION SHALL BE SIGNED BY THE PERSON WHO PREPARED THE PETITION UNLESS  
36 THE COUNTY ATTORNEY PERFORMS THESE FUNCTIONS.

37 E. The SCREENING agency OR EVALUATION AGENCY may contact the county  
38 attorney in order to obtain assistance in preparing the petition for  
39 court-ordered evaluation, and the SCREENING agency OR EVALUATION AGENCY  
40 may request the advice and judgment of the county attorney in reaching a  
41 decision as to whether the court-ordered evaluation is justified.

42 F. The county attorney may prepare or sign or file the petition if  
43 a court has ordered the county attorney to prepare the petition.

44 G. If a petition for court-ordered evaluation alleges danger to  
45 others as described in section 36-501, the screening agency OR EVALUATION

1 AGENCY, before filing such a petition, shall contact the county attorney  
2 for a review of the petition. The county attorney shall examine the  
3 petition and make one of the following written recommendations:

4 1. That a criminal investigation is warranted.

5 2. That the screening agency OR EVALUATION AGENCY shall file the  
6 petition.

7 3. That no further proceedings are warranted. The screening agency  
8 OR EVALUATION AGENCY shall consider the recommendation in determining  
9 whether a court-ordered evaluation is justified and shall include the  
10 recommendation with the petition if the SCREENING agency OR EVALUATION  
11 AGENCY decides to file the petition with the court.

12 H. The petition shall be made in the form and manner prescribed by  
13 the director.

14 I. If a petition for court-ordered evaluation is filed by a  
15 prosecutor pursuant to section 13-4517, a prior application for  
16 court-ordered evaluation or prescreening is not necessary.

17 Sec. 4. Section 36-522, Arizona Revised Statutes, is amended to  
18 read:

19 36-522. Voluntary evaluation

20 A. If the petition for court-ordered evaluation is not filed  
21 because it has been determined that the proposed patient IS CAPABLE OF  
22 CONSENTING TO AND will voluntarily receive an evaluation and is unlikely  
23 to present a danger to self or TO others ~~until~~ PENDING the voluntary  
24 evaluation, ~~the evaluation agency provided for by the county, or selected~~  
25 ~~by the proposed patient, shall be immediately notified and shall provide~~  
26 ~~evaluation of the proposed patient at a scheduled time and place within~~  
27 ~~five days of the notice~~ A VOLUNTARY EVALUATION MAY BE PERFORMED. THE  
28 EVALUATION MAY BE PERFORMED BY AN EVALUATION AGENCY PROVIDED FOR BY THE  
29 COUNTY OR BY A PRIVATE MENTAL HEALTH PROVIDER OR MENTAL HEALTH TREATMENT  
30 AGENCY THAT IS LICENSED TO PERFORM SUCH EVALUATIONS AND THAT IS SELECTED  
31 BY THE PROPOSED PATIENT IF THE PROVIDER OR AGENCY ACCEPTS THE PROPOSED  
32 PATIENT'S INSURANCE OR THE PROPOSED PATIENT IS ABLE TO PAY PRIVATELY. THE  
33 EVALUATION AGENCY SHALL BE IMMEDIATELY NOTIFIED AND SHALL PROVIDE THE  
34 EVALUATION OF THE PROPOSED PATIENT AT A SCHEDULED TIME AND PLACE WITHIN  
35 FIVE DAYS AFTER THE NOTICE. The voluntary evaluation may be on an  
36 inpatient or outpatient basis. THE SCREENING AGENCY SHALL DIRECT THE  
37 PROPOSED PATIENT IN WRITING, ON A FORM PRESCRIBED BY THE DIRECTOR, TO  
38 SUBMIT TO AN EVALUATION AT THE DESIGNATED TIME AND PLACE AND SHALL FURTHER  
39 ADVISE THE PROPOSED PATIENT THAT IF THE PROPOSED PATIENT DOES NOT OR  
40 CANNOT SO SUBMIT, AND THE SCREENING AGENCY HAS REASONABLE CAUSE TO BELIEVE  
41 THAT THE PROPOSED PATIENT IS A DANGER TO SELF OR A DANGER TO OTHERS, HAS A  
42 PERSISTENT OR ACUTE DISABILITY OR HAS A GRAVE DISABILITY, AND IS LIKELY TO  
43 FURTHER DETERIORATE WITHOUT EVALUATION OR TREATMENT, THE PROPOSED PATIENT  
44 MAY BE TAKEN INTO CUSTODY BY A PEACE OFFICER AND DELIVERED TO A SCREENING

1 AGENCY OR EVALUATION AGENCY FOR SCREENING OR EVALUATION PURSUANT TO THIS  
2 CHAPTER.

3 ~~B. Voluntary inpatient evaluation is subject to article 3 of this~~  
4 ~~chapter.~~

5 B. THE SCREENING AGENCY SHALL SUBSEQUENTLY CONTACT THE EVALUATION  
6 AGENCY TO WHICH THE PROPOSED PATIENT WAS DIRECTED IN SUBSECTION A OF THIS  
7 SECTION TO DETERMINE WHETHER THE PROPOSED PATIENT PARTICIPATED IN THE  
8 EVALUATION AS SCHEDULED AND TO DISCUSS THE RESULTS OF THE EVALUATION. IF  
9 THE PROPOSED PATIENT FAILS TO PARTICIPATE IN THE EVALUATION AS SCHEDULED,  
10 OR THE EVALUATION CONFIRMS THAT THE PROPOSED PATIENT IS LIKELY TO NEED  
11 COURT-ORDERED TREATMENT PURSUANT TO THIS ARTICLE, THE SCREENING AGENCY MAY  
12 SUBMIT A PETITION FOR COURT-ORDERED EVALUATION PURSUANT TO SECTION 36-521.

13 C. VOLUNTARY INPATIENT EVALUATION IS SUBJECT TO ARTICLE 3 OF THIS  
14 CHAPTER. Voluntary outpatient evaluation ~~shall conform~~ IS SUBJECT to ~~the~~  
15 ~~requirements of~~ section 36-530, subsection D and section 36-531,  
16 subsections B, C and D. ~~and~~ VOLUNTARY EVALUATION shall proceed only after  
17 the person to be evaluated has given consent to be evaluated by signing a  
18 form prescribed by the director that includes ~~information to~~ AN  
19 ACKNOWLEDGEMENT BY the proposed patient that the patient-physician  
20 privilege does not apply and that the evaluation may result in a petition  
21 for the person to undergo court-ordered treatment or for  
22 guardianship. ~~Voluntary evaluation may be carried out only if chosen by~~  
23 ~~the patient during the course of a prepetition screening after an~~  
24 ~~application for evaluation has been made.~~ INFORMED CONSENT FOR INPATIENT  
25 EVALUATION MAY BE GIVEN BY THE PROPOSED PATIENT OR BY THE PROPOSED  
26 PATIENT'S COURT-APPOINTED GUARDIAN WITH INPATIENT AUTHORITY OR DESIGNATED  
27 AGENT UNDER A POWER OF ATTORNEY THAT INCLUDES AUTHORITY TO CONSENT TO  
28 INPATIENT EVALUATION OR TREATMENT. INFORMED CONSENT FOR OUTPATIENT  
29 EVALUATION MAY BE GRANTED BY THE PROPOSED PATIENT OR BY THE PROPOSED  
30 PATIENT'S COURT-APPOINTED GUARDIAN OR THE PROPOSED PATIENT'S DESIGNATED  
31 AGENT UNDER A POWER OF ATTORNEY THAT INCLUDES AUTHORITY TO CONSENT TO  
32 OUTPATIENT EVALUATION OR TREATMENT.

33 Sec. 5. Section 36-523, Arizona Revised Statutes, is amended to  
34 read:

35 36-523. Petition for court-ordered evaluation

36 A. The petition for COURT-ORDERED evaluation shall contain the  
37 following:

38 1. The name, address and interest in the case of the individual who  
39 applied for the petition.

40 2. The name, and address if known, of the proposed patient for whom  
41 evaluation is petitioned.

42 3. The present whereabouts of the proposed patient, if known.

43 4. A statement alleging that there is reasonable cause to believe  
44 that the proposed patient has a mental disorder and is as a result a  
45 danger to self or TO others, has a persistent or acute disability or a

1 grave disability and is unwilling or unable to undergo voluntary  
2 evaluation.

3 5. A summary of the facts that support the allegations that the  
4 proposed patient is dangerous, has a persistent or acute disability or a  
5 grave disability and is unwilling or unable to be voluntarily evaluated,  
6 including the facts that brought the proposed patient to the screening  
7 agency's attention.

8 6. THE NAMES AND CONTACT INFORMATION OF ANY PERSONS KNOWN WHO ARE  
9 ACQUAINTED WITH THE PROPOSED PATIENT AND WHO WITNESSED THE BEHAVIOR  
10 EXHIBITED BY THE PROPOSED PATIENT ON WHICH THE PETITION IS BASED. THE  
11 AGENCY MAY NOT DECLINE TO PROCESS A PETITION FOR COURT-ORDERED EVALUATION  
12 BECAUSE NO WITNESSES ACQUAINTED WITH THE PROPOSED PATIENT ARE IDENTIFIED.

13 ~~6.~~ 7. If the petition is filed by a prosecutor pursuant to section  
14 13-4517, ~~the petition shall include~~ any known criminal history of the  
15 proposed patient, including whether the proposed patient has ever been  
16 found incompetent to stand trial pursuant to section 13-4510.

17 ~~7.~~ 8. Other information that the director by rule or the court by  
18 rule or order may require.

19 B. The petition shall request that the court issue an order  
20 requiring that the proposed patient be given an evaluation and shall  
21 advise the court of both of the following:

22 1. That the opinion of the petitioner is either that the proposed  
23 patient is or is not in such a condition that without immediate or  
24 continuing hospitalization the PROPOSED patient is likely to suffer  
25 serious physical harm or further deterioration or inflict serious physical  
26 harm on another person.

27 2. If the opinion of the petitioner is that the proposed patient is  
28 not in the condition described in paragraph 1 of this subsection, that the  
29 opinion of the petitioner is either that the evaluation should or should  
30 not take place on an outpatient basis.

31 C. The petition for COURT-ORDERED evaluation shall be accompanied  
32 by the application for evaluation by the recommendation of the county  
33 attorney pursuant to section 36-521 and by ~~a prepetition~~ ANY screening  
34 report, unless the documents have not been prepared under a provision of  
35 law or in accordance with an order of the court. The petition for  
36 COURT-ORDERED evaluation shall also be accompanied by a copy of the  
37 application for emergency admission, if one exists.

38 D. A petition and other forms required in a court may be filed only  
39 by the screening agency OR EVALUATION AGENCY that has prepared the  
40 petition OR BY THE COUNTY ATTORNEY PURSUANT TO SECTION 36-521.

41 E. If the petition is not filed because it has been determined that  
42 the person does not need ~~an~~ A COURT-ORDERED evaluation, the agency after a  
43 period of six months shall destroy the petition and the various reports  
44 annexed to the petition as required by this section.

1 F. If the petition is not filed because it has been determined that  
2 the person does not need ~~an~~ A COURT-ORDERED evaluation and a prosecutor  
3 filed a petition pursuant to section 13-4517, the person shall be remanded  
4 for a disposition pursuant to section 13-4517. If the person is out of  
5 custody, the court may order that the person be taken into custody for a  
6 disposition pursuant to this section.

7 Sec. 6. Section 36-524, Arizona Revised Statutes, is amended to  
8 read:

9 36-524. Application for emergency admission for evaluation;  
10 requirements

11 A. A written application for emergency admission shall be made to  
12 an evaluation agency before a person may be ~~hospitalized in~~ ADMITTED TO  
13 the EVALUATION agency.

14 B. The application for emergency admission shall be made by a  
15 person with knowledge of the facts requiring emergency admission. The  
16 applicant may be a relative or friend of the person, a peace officer, the  
17 admitting officer or another responsible person. IF THE APPLICANT IS NOT  
18 A MEDICAL PROFESSIONAL, THE SCREENING AGENCY SHALL ASSIST THE APPLICANT TO  
19 DEVELOP THE RELEVANT MENTAL HEALTH HISTORY AND FACTUAL BACKGROUND  
20 APPROPRIATE TO COMPLETE THE APPLICATION.

21 C. The application shall be ~~upon~~ MADE ON a prescribed form and  
22 shall include the following:

23 1. A statement by the applicant that ~~he believes on the basis of~~  
24 ~~personal observation that~~ THERE IS REASONABLE CAUSE TO BELIEVE THAT the  
25 person is, as a result of a mental disorder, a danger to self or others,  
26 AND IS UNABLE OR UNWILLING TO UNDERGO VOLUNTARY EVALUATION and that,  
27 during the time necessary to complete the prepetition screening procedures  
28 set forth in sections 36-520 and 36-521 the person is likely without  
29 immediate hospitalization to suffer serious physical harm or serious  
30 illness or is likely to inflict serious physical harm ~~upon~~ ON another  
31 person.

32 2. The specific nature of the danger.

33 3. A summary of the observations ~~upon~~ ON which the statement of  
34 danger is based.

35 4. A SUMMARY OF THE FACTS AND DATA, INCLUDING OBSERVATIONS OF  
36 PERSONS WHO WITNESSED THE STATEMENTS OR BEHAVIORS THAT SUPPORT THE  
37 ASSERTIONS IN THE APPLICATION.

38 ~~4.~~ 5. The signature of the applicant.

39 D. A telephonic application may be made ~~no~~ NOT more than  
40 twenty-four hours ~~prior to~~ BEFORE a written application. A telephonic  
41 application shall be made by or in the presence of a peace officer unless  
42 the application is made by a health care provider who is licensed pursuant  
43 to title 32, chapter 13, 15, 17 or 19.1 and who is directly involved with  
44 the care of a patient who is in a health care facility licensed in this  
45 state. For an application made by a ~~doctor or a nurse~~ PEACE OFFICER OR BY

1 A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13,  
2 15, 17 OR 19.1 OR TITLE 32, CHAPTER 33, ARTICLE 5 OR 6, ~~the original~~  
3 ~~signature of the applicant on~~ a ~~facsimile~~ copy of the application THAT  
4 CONTAINS THE APPLICANT'S ORIGINAL SIGNATURE is acceptable, does not have  
5 to be notarized and may be submitted as the written application.

6 E. ON RECEIPT OF THE APPLICATION, THE EVALUATION AGENCY SHALL  
7 IMMEDIATELY CAUSE THE TIME AND DATE OF THE RECEIPT OF THE APPLICATION TO  
8 BE LOGGED IN A RECORD OF APPLICATIONS RECEIVED BY THE EVALUATION AGENCY.  
9 IF THE APPLICATION IS IN WRITING, THE EVALUATION AGENCY SHALL ALSO CAUSE  
10 THE TIME AND DATE OF RECEIPT TO BE NOTED ON THE FRONT OF THE APPLICATION.

11 F. AN APPLICATION MAY BE GRANTED IF THE ADMITTING OFFICER  
12 DETERMINES THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS A  
13 DANGER TO SELF OR OTHERS AS THE RESULT OF A MENTAL DISORDER AND IS  
14 UNWILLING OR UNABLE TO UNDERGO VOLUNTARY EVALUATION AND THAT, DURING THE  
15 TIME NECESSARY TO COMPLETE THE SCREENING PROCEDURES SET FORTH IN SECTIONS  
16 36-520 AND 36-521, THE PERSON IS LIKELY WITHOUT IMMEDIATE ADMISSION TO AN  
17 EVALUATION AGENCY TO SUFFER SERIOUS PHYSICAL HARM OR SERIOUS ILLNESS OR IS  
18 LIKELY TO INFLICT SERIOUS PHYSICAL HARM ON ANOTHER PERSON.

19 ~~F.~~ G. If the person to be admitted is not already present at the  
20 evaluation agency and if the admitting officer, based ~~upon~~ ON review of  
21 the written or telephonic application and conversation with the applicant  
22 and peace officer INVOLVED, has reasonable cause to believe that an  
23 emergency ~~examination~~ ADMISSION FOR EVALUATION is necessary, the admitting  
24 officer may advise the peace officer, ~~that sufficient grounds exist~~ CAUSE  
25 EXISTS to take the person into custody and to transport the person to the  
26 evaluation agency. The admitting officer shall not be held civilly liable  
27 for any acts committed by a person whom the admitting officer did not  
28 advise be taken into custody if the admitting officer has in good faith  
29 followed the requirements of this section.

30 H. IF THE EVALUATION AGENCY DETERMINES THAT NO REASONABLE CAUSE  
31 EXISTS TO BELIEVE THAT THE PROPOSED PATIENT IS IN NEED OF ADMISSION FOR  
32 EMERGENCY EVALUATION AND THAT THE APPLICATION IS TO BE DENIED, THE DENIAL  
33 MUST FIRST BE REVIEWED AND APPROVED BY THE MEDICAL DIRECTOR OF THE  
34 EVALUATION AGENCY OR THE MEDICAL DIRECTOR'S DESIGNEE. THE EVALUATION  
35 AGENCY SHALL ISSUE A WRITTEN DENIAL OF THE APPLICATION TO THE APPLICANT  
36 AND THE PROPOSED PATIENT STATING THE REASONS THE APPLICATION IS DENIED ON  
37 A FORM PRESCRIBED BY THE DIRECTOR.

38 Sec. 7. Title 36, chapter 5, article 4, Arizona Revised Statutes,  
39 is amended by adding section 36-524.01, to read:

40 36-524.01. Application for emergency admission from a  
41 nonevaluating hospital

42 A. IF THE ATTENDING PHYSICIAN OF A PERSON ADMITTED TO OR LOCATED AT  
43 A NONEVALUATING HOSPITAL AS AN EMERGENCY PATIENT OR OTHERWISE HAS  
44 REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS, AS A RESULT OF A MENTAL  
45 DISORDER, A DANGER TO SELF OR OTHERS AND IS IN NEED OF ADMISSION TO AN



1 EVALUATION AGENCY PURSUANT TO SECTION 36-524, THE NONEVALUATING HOSPITAL  
2 SHALL GIVE THE PERSON A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE  
3 DIRECTOR THAT THE NONEVALUATING HOSPITAL IS FILING AN APPLICATION FOR SUCH  
4 AN ADMISSION AND SHALL CAUSE THE NOTICE TO BE PLACED IN THE PERSON'S  
5 MEDICAL CHART BEARING THE TIME AND DATE OF THE NOTICE'S ISSUANCE AND A  
6 WRITTEN STATEMENT OF THE GROUNDS ON WHICH THE NOTICE IS ISSUED. THE  
7 NONEVALUATING HOSPITAL MAY HOLD THE PERSON FOR TWO HOURS AFTER ISSUING THE  
8 NOTICE FOR THE PURPOSES OF PREPARING AND SUBMITTING AN APPLICATION TO AN  
9 EVALUATION AGENCY.

10 B. IF A WRITTEN OR TELEPHONIC APPLICATION FOR EMERGENCY ADMISSION  
11 INVOLVES A PATIENT WHO IS CURRENTLY ADMITTED TO OR LOCATED AT A  
12 NONEVALUATING HOSPITAL AS AN EMERGENCY PATIENT OR OTHERWISE, WITHIN FOUR  
13 HOURS AFTER RECEIVING THE APPLICATION THE ADMITTING OFFICER SHALL REVIEW  
14 THE APPLICATION AND MAKE A DETERMINATION TO GRANT OR DENY THE APPLICATION  
15 AS SET FORTH IN SECTION 36-524. THE EVALUATION AGENCY SHALL MAKE THE  
16 DETERMINATION WHETHER TO GRANT OR DENY THE APPLICATION BASED ON A REVIEW  
17 OF THE CONTENTS OF THE APPLICATION, ANY AVAILABLE RELEVANT MEDICAL RECORDS  
18 AND, IF PRACTICABLE, AN INTERVIEW WITH THE APPLICANT AND WITH ANY MEDICAL  
19 OR HOSPITAL PERSONNEL DIRECTLY INVOLVED WITH THE PATIENT AND AN INTERVIEW  
20 WITH THE PROPOSED PATIENT. THE INTERVIEW WITH THE PROPOSED PATIENT MAY BE  
21 CONDUCTED AT THE NONEVALUATING HOSPITAL IN PERSON BY A MENTAL HEALTH  
22 PROVIDER, OR BY TELEMEDICINE IF THE NONEVALUATING HOSPITAL AND THE  
23 EVALUATION AGENCY HAVE THE PERSONNEL AND EQUIPMENT TO DO SO. ALL  
24 INTERVIEWS CONDUCTED WHILE THE PERSON IS LOCATED IN A NONEVALUATING  
25 HOSPITAL SHALL BE PRECEDED BY PROVIDING TO THE PERSON A WRITTEN AND ORAL  
26 STATEMENT THAT THE INTERVIEWER IS NOT AFFILIATED WITH THE NONEVALUATING  
27 HOSPITAL AND IS NOT PROVIDING MEDICAL SERVICES TO THE PERSON AND THAT ANY  
28 STATEMENTS MADE TO THE INTERVIEWER ARE NOT PROTECTED BY PHYSICIAN-PATIENT  
29 PRIVILEGE.

30 C. A PATIENT MAY BE INVOLUNTARILY DETAINED IN A NONEVALUATING  
31 HOSPITAL OR EMERGENCY ROOM FOR THE LENGTH OF TIME NECESSARY FOR A  
32 DETERMINATION TO BE MADE ON THE APPLICATION FOR EMERGENCY ADMISSION AND TO  
33 TRANSPORT THE PATIENT FOR EMERGENCY ADMISSION FOR EVALUATION AS SET FORTH  
34 IN THIS SUBSECTION.

35 D. IF A PROPOSED PATIENT IS NOT MEDICALLY READY FOR DISCHARGE FROM  
36 THE NONEVALUATING HOSPITAL AT THE TIME THE APPLICATION IS GRANTED, THE  
37 PROPOSED PATIENT MAY NOT BE TRANSPORTED TO THE EVALUATION AGENCY UNTIL THE  
38 NONEVALUATING HOSPITAL CONFIRMS THAT THE PROPOSED PATIENT IS MEDICALLY  
39 READY FOR DISCHARGE FROM THE NONEVALUATING HOSPITAL. THE PROPOSED PATIENT  
40 MAY BE DETAINED AT THE NONEVALUATING HOSPITAL UNTIL MEDICALLY READY FOR  
41 DISCHARGE. AFTER THE PROPOSED PATIENT IS CONFIRMED MEDICALLY READY FOR  
42 DISCHARGE, THE NONEVALUATING HOSPITAL SHALL IMMEDIATELY NOTIFY THE  
43 EVALUATION AGENCY IN WRITING. THE PROPOSED PATIENT MAY BE HELD  
44 INVOLUNTARILY AT THE NONEVALUATING HOSPITAL ONLY FOR THE LENGTH OF TIME  
45 NECESSARY TO TRANSPORT THE PERSON TO THE EVALUATION AGENCY.

1 E. IF THE ADMITTING OFFICER DETERMINES, AFTER DOCTOR-TO-DOCTOR  
2 CONSULTATION WITH THE PROPOSED PATIENT'S ATTENDING PHYSICIAN OR OTHER  
3 PHYSICIAN AT THE NONEVALUATING HOSPITAL WHO IS RESPONSIBLE FOR THE  
4 PROPOSED PATIENT, THAT THE PROPOSED PATIENT DOES NOT REQUIRE EMERGENCY  
5 PSYCHIATRIC HOSPITALIZATION, THE ADMITTING OFFICER SHALL IMMEDIATELY  
6 ADVISE THE NONEVALUATING HOSPITAL THAT THE APPLICATION IS DENIED. THE  
7 ADMITTING OFFICER OF THE EVALUATION AGENCY OR THE ADMITTING OFFICER'S  
8 DESIGNEE SHALL ISSUE A WRITTEN STATEMENT AS TO THE SPECIFIC BASES OF THE  
9 DENIAL AND SHALL IMMEDIATELY TRANSMIT THE WRITTEN DENIAL TO THE  
10 NONEVALUATING HOSPITAL. THE DENIAL SHALL BE LOGGED IN A RECORD OF  
11 APPLICATIONS RECEIVED BY THE EVALUATION AGENCY AND SHALL BE PLACED INTO  
12 THE PATIENT'S MEDICAL CHART.

13 F. THE EVALUATION AGENCY MUST ARRANGE TRANSPORTATION WITHIN NINE  
14 HOURS FOR A PATIENT WHOSE APPLICATION FOR EMERGENCY EVALUATION HAS BEEN  
15 GRANTED AND WHO IS MEDICALLY READY FOR DISCHARGE.

16 G. ON RECEIPT OF THE WRITTEN DENIAL FROM THE EVALUATION AGENCY, THE  
17 PERSON MAY NO LONGER BE DETAINED IN THE HOSPITAL FOR REASONS RELATED TO  
18 THE NONEVALUATING PROCEDURES FOR COURT-ORDERED EVALUATION PURSUANT TO THIS  
19 ARTICLE AND SHALL BE DISCHARGED FROM A NONEVALUATING HOSPITAL ABSENT  
20 REASONS OF MEDICAL NECESSITY.

21 H. THE ADMITTING OFFICER OF THE EVALUATION AGENCY SHALL MAKE A  
22 DETERMINATION BASED ON THE INFORMATION PRESENT PURSUANT TO SECTION 36-524  
23 AND MAY NOT DENY AN APPLICATION BASED ON THE POSSIBILITY THAT THERE MAY BE  
24 CAUSES FOR THE ALLEGED BEHAVIOR THAT HAVE NOT YET BEEN RULED OUT BY  
25 ADDITIONAL MEDICAL TESTING.

26 Sec. 8. Section 36-525, Arizona Revised Statutes, is amended to  
27 read:

28 36-525. Apprehension and transportation by peace officers;  
29 immunity

30 A. A peace officer, on the advice of the admitting officer of ~~the~~  
31 ~~AN~~ evaluation agency pursuant to section 36-524, ~~subsection E~~, shall  
32 apprehend and transport a person to an evaluation agency.

33 B. ~~In those instances in which~~ IF the procedures set forth in  
34 section 36-524 are not available, a peace officer may take into custody  
35 any individual the peace officer has probable cause to believe is, as a  
36 result of mental disorder, a danger to self or ~~TO~~ others, and that during  
37 the time necessary to complete the prepetition screening procedures set  
38 forth in sections 36-520 and 36-521 the person is likely without immediate  
39 ~~EMERGENCY hospitalization~~ ~~ADMISSION FOR EVALUATION~~ to suffer serious  
40 physical harm or serious illness or to inflict serious physical harm on  
41 another person. The peace officer shall transport the person to a  
42 screening agency unless the person's condition or the agency's location or  
43 hours makes such transportation impractical, in which event the person  
44 shall be transported to an evaluation agency. A peace officer is not ~~held~~

1 civilly liable for any acts committed by a person whom the peace officer  
2 has not taken into custody pursuant to this section.

3 C. If apprehension takes place on or about the premises of the  
4 apprehended person, the officer shall take reasonable precautions to  
5 safeguard the premises and the property thereon, unless such property and  
6 premises are in the possession of a responsible relative or guardian.

7 D. A peace officer who makes a good faith effort to follow the  
8 requirements of this section is not subject to civil liability.

9 Sec. 9. Section 36-526, Arizona Revised Statutes, is amended to  
10 read:

11 36-526. Emergency admission; examination; petition for  
12 court-ordered evaluation

13 A. On presentation of the person for emergency admission **PURSUANT**  
14 **TO SECTION 36-524**, an admitting officer of an evaluation agency shall  
15 perform an examination of the person's psychiatric and physical condition  
16 and may admit the person to the **EVALUATION** agency as an emergency patient  
17 if the admitting officer finds, as a result of the examination and  
18 investigation of the application for emergency admission, that there is  
19 reasonable cause to believe that the person, as a result of a mental  
20 disorder, is a danger to self or **TO** others, and that during the time  
21 necessary to complete the prepetition screening procedures set forth in  
22 sections 36-520 and 36-521 the person is likely without immediate  
23 hospitalization to suffer serious physical harm or serious illness or to  
24 inflict serious physical harm on another person. If a person is  
25 ~~hospitalized~~ **ADMITTED** pursuant to this section, the admitting officer may  
26 notify a screening agency and seek its assistance or guidance in  
27 developing alternatives to involuntary confinement and in counseling the  
28 person and ~~his~~ **THE PERSON'S** family.

29 B. On the same or ~~a succeeding~~ **THE NEXT** court day, the medical  
30 director in charge of the agency shall file a petition for a court-ordered  
31 evaluation, unless the person has been discharged or has become a  
32 voluntary patient. The petition need not comply with the provisions of  
33 this chapter requiring preparation and filing of a prepetition screening  
34 report but shall meet all other requirements and shall seek an appropriate  
35 order pursuant to section 36-529.

36 Sec. 10. Section 36-527, Arizona Revised Statutes, is amended to  
37 read:

38 36-527. Discharge and release; relief from civil liability

39 A. A person taken into custody for emergency admission may not be  
40 detained longer than twenty-four hours excluding weekends and holidays  
41 following such **A** detention unless a petition for court-ordered evaluation  
42 is filed.

43 B. A person **WHO IS** admitted for emergency evaluation may be  
44 released at any time if, in the opinion of the medical director in charge  
45 of the evaluation agency, release is appropriate. The medical director

1 shall not be held civilly liable for any acts committed by a released  
2 patient if the medical director has in good faith followed the  
3 requirements of this article. The patient may continue care and treatment  
4 in the EVALUATION agency if ~~he~~ THE PATIENT signs a voluntary application  
5 OR CONSENT TO FURTHER TREATMENT OR IF THE APPLICATION OR CONSENT IS SIGNED  
6 BY THE PATIENT'S COURT-APPOINTED GUARDIAN WITH INPATIENT AUTHORITY OR  
7 AGENT UNDER A POWER OF ATTORNEY WHO HAS AUTHORITY TO CONSENT TO SUCH  
8 TREATMENT.

9 C. UNLESS IT IS ESTABLISHED THAT THE REQUIREMENTS OF THIS ARTICLE  
10 HAVE NOT BEEN COMPLIED WITH IN GOOD FAITH, A NONEVALUATING HOSPITAL AND  
11 ITS AGENTS, EMPLOYEES, CONTRACTED PROVIDERS AND MEDICAL PROFESSIONALS MAY  
12 NOT BE HELD CIVILLY LIABLE FOR ANY PERIOD OF INVOLUNTARY DETENTION OR THE  
13 DISCHARGE OF ANY PERSON IN ACCORDANCE WITH THIS ARTICLE OR FOR ANY ACT  
14 COMMITTED BY A PERSON WHO IS RELEASED FROM THE NONEVALUATING HOSPITAL IN  
15 ACCORDANCE WITH THIS ARTICLE.

16 D. THE ADMITTING OFFICER OF AN EVALUATION AGENCY MAY NOT BE HELD  
17 CIVILLY LIABLE FOR ANY ACT COMMITTED BY A PERSON WHOM THE ADMITTING  
18 OFFICER DID NOT ADVISE BE TAKEN INTO CUSTODY IF THE ADMITTING OFFICER HAS  
19 IN GOOD FAITH FOLLOWED THE REQUIREMENTS OF THIS ARTICLE.

20 Sec. 11. Title 36, chapter 5, article 4, Arizona Revised Statutes,  
21 is amended by adding section 36-527.01, to read:

22 36-527.01. Transfer from nonevaluating hospitals; complex  
23 medical patients; procedures; emergency hearing

24 A. EACH EVALUATION AGENCY SHALL COMPILE AND MAINTAIN A LIST OF  
25 MEDICAL CONDITIONS AND TREATMENTS THAT CANNOT BE PROPERLY PROVIDED FOR IN  
26 THE AGENCY. THIS LIST SHALL BE PROVIDED TO LOCAL NONEVALUATING HOSPITALS,  
27 BE PUBLICLY ACCESSIBLE AND BE UPDATED AT LEAST ANNUALLY. IF A PATIENT  
28 REQUIRES A TREATMENT THAT CANNOT BE PROPERLY PROVIDED BY THE EVALUATION  
29 AGENCY OR HAS A CONDITION ON THE LIST, THE PATIENT MAY BE HELD AT THE  
30 NONEVALUATING HOSPITAL UNTIL A HEARING IS HELD AND AN ORDER IS ISSUED  
31 PURSUANT TO SUBSECTION F OF THIS SECTION.

32 B. IF THE ADMITTING OFFICER OF AN EVALUATION AGENCY BELIEVES THAT  
33 THE PATIENT IN THE NONEVALUATING HOSPITAL HAS A CONDITION OR REQUIRES A  
34 TREATMENT THAT IS NOT ON THE LIST BUT THAT CANNOT BE PROPERLY PROVIDED FOR  
35 BY THE AGENCY, THE PHYSICIAN AT THE EVALUATION AGENCY SHALL CONSULT WITH  
36 THE TREATING PHYSICIAN AT THE NONEVALUATING HOSPITAL TO DETERMINE WHETHER  
37 THE PROPOSED PATIENT MAY BE TRANSFERRED TO AND TREATED IN THE EVALUATION  
38 AGENCY DURING THE PERIOD REQUIRED FOR COURT-ORDERED EVALUATION AND ANY  
39 HEARING ON A PETITION FOR COURT-ORDERED TREATMENT.

40 C. IF THE PHYSICIAN AT THE RECEIVING AGENCY AND THE TREATING  
41 PHYSICIAN AT THE NONEVALUATING HOSPITAL CANNOT AGREE ON A TRANSPORT PLAN  
42 OR TREATMENT PLAN, THE MEDICAL DIRECTORS OF BOTH FACILITIES SHALL CONSULT  
43 REGARDING THE PROPOSED PATIENT'S PLAN.

1 D. IF THERE IS STILL NO AGREEMENT ON THE PROPOSED PATIENT'S  
2 TRANSPORT PLAN OR TREATMENT PLAN, THE RECEIVING AGENCY SHALL PROVIDE THE  
3 NONEVALUATING HOSPITAL WITH DOCUMENTATION LISTING THE REASONS THE AGENCY  
4 CANNOT RECEIVE AND CARE FOR THE PATIENT.

5 E. THE CONSULTATIONS SET FORTH IN SUBSECTIONS B AND C OF THIS  
6 SECTION MUST OCCUR WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF THE  
7 APPLICATION FOR EMERGENCY ADMISSION.

8 F. IF THE PROPOSED PATIENT IS NOT ABLE TO BE PLACED IN AN  
9 EVALUATION AGENCY FOR THE PURPOSES OF EVALUATION PURSUANT TO THIS ARTICLE  
10 BECAUSE THE PROPOSED PATIENT'S MEDICAL CONDITION IS SUCH THAT THE PATIENT  
11 MUST REMAIN IN A NONEVALUATING HOSPITAL FOR MEDICAL TREATMENT, THE  
12 EVALUATION AGENCY SHALL FILE A REQUEST FOR AN EMERGENCY STATUS CONFERENCE  
13 WITH THE COURT FOR THE PURPOSE OF DETERMINING THE PROCEDURAL DUE PROCESS  
14 TO BE APPLIED IN THE CASE. ON RECEIPT OF THE REQUEST, THE COURT SHALL  
15 CONDUCT A STATUS CONFERENCE ON THE SAME OR NEXT COURT DAY. THE STATUS  
16 CONFERENCE MAY BE HELD BY ELECTRONIC MEANS. IF THE COURT DETERMINES THAT  
17 THE MEDICAL CONDITION OF THE PERSON IS SUCH THAT COMPLIANCE WITH THE  
18 DUTIES AND TIME FRAMES SET FORTH IN THIS ARTICLE IS NOT PRACTICABLE, THE  
19 COURT SHALL ISSUE ORDERS DIRECTING HOW AND WHERE TO EVALUATE THE PROPOSED  
20 PATIENT FOR THE PURPOSES OF THIS SECTION AND FURTHER SPECIFYING TIME  
21 FRAMES AND ANY SPECIAL PROCEDURES NECESSARY TO ENSURE THAT THE EVALUATION  
22 AND ANY SUBSEQUENT HEARING ON A PETITION FOR COURT-ORDERED TREATMENT ARE  
23 ACCOMPLISHED IN THE SHORTEST LENGTH OF TIME REASONABLY NECESSARY.

24 Sec. 12. Section 36-528, Arizona Revised Statutes, is amended to  
25 read:

26 36-528. Emergency patients; duties of agency; notification of  
27 guardian or family member; right to counsel

28 A. A person detained under emergency detention shall be offered  
29 treatment for ~~his~~ THE PERSON'S mental disorder to which ~~he may consent~~ THE  
30 PERSON CONSENTS. The person shall not be treated for ~~his~~ A mental  
31 disorder without ~~his~~ THE PERSON'S express consent, OR UNLESS CONSENT TO  
32 FURTHER TREATMENT IS SIGNED BY THE PATIENT'S COURT-APPOINTED GUARDIAN WITH  
33 INPATIENT AUTHORITY OR AGENT UNDER A POWER OF ATTORNEY WHO HAS AUTHORITY  
34 TO CONSENT TO THE TREATMENT. ~~except that~~ NOTWITHSTANDING THIS SUBSECTION,  
35 PHARMACOTHERAPY, seclusion and mechanical or pharmacological restraints  
36 may be employed as emergency measures for the safety of the person or  
37 others pursuant to section 36-513.

38 B. At the time a person is taken into custody for emergency  
39 evaluation, the medical director in charge of the evaluation agency ~~shall~~,  
40 subject to the provisions of section 36-504, SHALL notify the person's  
41 guardian or, if none, a member of the family other than a person who has  
42 made application for emergency evaluation, if known, of the person's  
43 presence at the agency.

C. At the earliest time possible during the evaluation, the EVALUATION agency shall inquire into the need to safeguard and preserve the person's personal property or premises. If no responsible relative or guardian is in possession of the property or premises, ~~it~~ THE AGENCY shall proceed pursuant to ~~the provisions of~~ section 36-508, subsection C.

D. The person detained IN AN EVALUATION AGENCY PURSUANT TO THIS SECTION shall be informed of ~~his~~ THE PERSON'S rights as stated in this section and in article 2 of this chapter, including the right to consult an attorney. ~~He~~ THE PERSON shall be advised that if ~~he~~ THE PERSON cannot employ an attorney, the court will appoint one ~~for him~~. The person shall be advised that if a petition for COURT-ORDERED evaluation is filed, the court will appoint the person an attorney to consult with and, if ~~he~~ THE PERSON cannot employ ~~his own counsel~~ AN ATTORNEY, to represent ~~him~~ THE PERSON.

Sec. 13. Section 36-529, Arizona Revised Statutes, is amended to read:

36-529. Order for evaluation; order for detention; hearing

A. If, from the review of the petition for COURT-ORDERED evaluation, the court does not determine that the proposed patient is likely to present a danger to self or TO others or further deteriorate before the proposed patient's hearing on court-ordered treatment, but determines that there is reasonable cause to believe that the proposed patient is, as a result of a mental disorder, a danger to self or TO others or has a persistent or acute disability or a grave disability, the court shall issue an order directing the proposed patient to submit to an evaluation at a designated time and place, specifying that the evaluation will take place on an inpatient or an outpatient basis. The court may also order that, if the person does not or cannot so submit, the person be taken into custody by a peace officer and delivered to an evaluation agency. If the court makes such a conditional order, it shall also make a conditional appointment of counsel for the person to become effective when and if the person is taken into custody pursuant to this section.

B. If, from review of the petition for COURT-ORDERED evaluation, there is reasonable cause to believe that the proposed patient is, as a result of a mental disorder, a danger to self or TO others or has a persistent or acute disability or a grave disability and that the person requires immediate or continued hospitalization before the proposed patient's hearing on court-ordered treatment, the court shall order the proposed patient TO BE taken into custody and evaluated at an evaluation agency. The court shall promptly appoint counsel for the proposed patient. If an intercounty agreement authorizes the same, the court may order that the evaluation be conducted in another county, and the superior court in the county where the evaluation is conducted shall have concurrent jurisdiction to make appropriate orders concerning the proposed patient.

C. If the person is not taken into custody or if the evaluation pursuant to the order of the court under subsection A or B of this section is not initiated within fourteen days ~~from~~ AFTER the date of the order, the order and petition for evaluation ~~shall~~ expire. If a prosecutor filed a petition pursuant to section 13-4517, the court and the prosecuting agency shall receive notice of the expiration of the order for evaluation. The court may enter any orders necessary for further disposition pursuant to section 13-4517, including a pickup order directing that the person be taken into custody. This subsection does not prevent any person from initiating another court-ordered evaluation of the person pursuant to this chapter.

D. If the person is involuntarily hospitalized, the person shall be informed by the person's appointed attorney of the right to a hearing to determine whether the person should be involuntarily hospitalized for evaluation and to be represented at the hearing by an attorney. If the person requests a hearing to determine whether the person should be involuntarily hospitalized during evaluation, the court shall schedule a hearing at its first opportunity.

Sec. 14. Section 36-530, Arizona Revised Statutes, is amended to read:

36-530. Evaluation and treatment

A. A person WHO IS admitted to an evaluation agency shall receive an evaluation as soon as possible after the court's order for evaluation and, subject to the provisions of sections 36-512 and 36-513 concerning the person's right to refuse treatment, receive care and treatment as required by ~~his~~ THE PERSON'S condition for the full period ~~that he is hospitalized~~ OF HOSPITALIZATION. A clinical record shall be kept for each person ~~which~~ THAT details all medical and psychiatric evaluations and all care and treatment received by the person.

B. A person receiving an evaluation on an inpatient basis ~~will~~ SHALL remain in the facility during the evaluation, which shall be completed in less than seventy-two hours, EXCLUDING WEEKENDS AND HOLIDAYS.

C. A person WHO IS being evaluated on an outpatient basis ~~will~~ SHALL not remain in the facility overnight but ~~will~~ SHALL be examined during the usual outpatient working hours of the facility on a schedule of appointments. The evaluation ~~will~~ SHALL be completed not later than the fourth day after the first appointment, excluding Saturdays, Sundays and holidays.

D. If a person who has been directed by court order to appear for evaluation does not appear, or in the case of an outpatient evaluation does not complete the appointments scheduled, the evaluation agency shall notify the court and the person's guardian, if any, of the known facts and circumstances and, if appropriate, request that the court order the patient TO BE taken into custody for evaluation on an inpatient basis.

1           Sec. 15. Section 36-531, Arizona Revised Statutes, is amended to  
2 read:

3           36-531. Evaluation; possible dispositions; release

4           A. A person who is being evaluated on an inpatient basis in an  
5 evaluation agency shall be released if, ~~in the opinion of the medical~~  
6 ~~director of the agency,~~ further evaluation is not appropriate, unless the  
7 person applies for further care and treatment on a voluntary basis OR  
8 CONSENT TO FURTHER TREATMENT IS SIGNED BY THE PATIENT'S COURT-ORDERED  
9 GUARDIAN WITH INPATIENT AUTHORITY OR AGENT UNDER A POWER OF ATTORNEY WHO  
10 HAS AUTHORITY TO CONSENT TO THE TREATMENT.

11           B. If it is determined on an evaluation of the patient's condition  
12 that the patient is, as a result of a mental disorder, a danger to self or  
13 to others or has a persistent or acute disability or a grave disability,  
14 the medical director in charge of the EVALUATION agency ~~that provided the~~  
15 ~~evaluation,~~ unless the person applies for further care and treatment on a  
16 voluntary basis, ~~OR CONSENT TO FURTHER TREATMENT IS SIGNED BY THE~~  
17 ~~PATIENT'S COURT-ORDERED GUARDIAN WITH INPATIENT AUTHORITY OR AGENT UNDER A~~  
18 ~~POWER OF ATTORNEY WHO HAS AUTHORITY TO CONSENT TO THE TREATMENT,~~ shall  
19 prepare, sign and file a petition for court-ordered treatment unless the  
20 county attorney performs the functions of preparing, signing or filing the  
21 petition as provided in subsection C of this section.

22           C. The agency may contact the county attorney to obtain assistance  
23 in preparing the petition for court-ordered treatment, and the agency may  
24 request the advice and judgment of the county attorney in reaching a  
25 decision as to whether court-ordered treatment is justified.

26           D. A person WHO IS being evaluated on an inpatient basis in an  
27 evaluation agency shall be released within seventy-two hours, excluding  
28 weekends and holidays, ~~from~~ AFTER the time ~~that~~ the person is hospitalized  
29 pursuant to a court order for evaluation, unless the person applies for  
30 further care and treatment on a voluntary basis OR CONSENT TO FURTHER  
31 TREATMENT IS SIGNED BY THE PATIENT'S COURT-ORDERED GUARDIAN WITH INPATIENT  
32 AUTHORITY OR AGENT UNDER A POWER OF ATTORNEY WHO HAS AUTHORITY TO CONSENT  
33 TO THE TREATMENT, or unless a petition for court-ordered treatment has  
34 been filed pursuant to subsection B of this section.

35           E. If a prosecutor filed a petition pursuant to section 13-4517,  
36 the medical director of an evaluation agency shall provide notice within  
37 twenty-four hours to the court and the prosecuting agency of the medical  
38 director's intention to release the person under this section. If the  
39 person has been remanded to an evaluation agency pursuant to section  
40 13-4517, the evaluation agency shall detain the person for an additional  
41 twenty-four hours to allow for the provision of any required notices. The  
42 medical director shall provide the patient's records, including medical  
43 and treatment records, to the court and the prosecuting agency.



1           F. The administration may conduct jointly with a school district,  
2 directly or indirectly, an educational evaluation pursuant to sections  
3 15-765 and 15-766 for nonadjudicated youth. The evaluation information  
4 may be shared by and among authorized personnel employed by the  
5 administration and the department of education, or authorized personnel  
6 from the local education agency, for purposes of ensuring the provision of  
7 special education and related services as required by the individuals with  
8 disabilities education act (20 United States Code sections 1400 through  
9 1415).