



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

Senate: JUD DP 7-1-0-0 | 3<sup>rd</sup> Read 28-0-2-0

House: JUD DP 10-0-0-0

## **SB1114: court-ordered treatment; case records; confidentiality**

**Sponsor: Senator Barto, LD 15**

**Caucus & COW**

### **Overview**

Establishes procedures governing access to case records and information regarding any court proceeding brought under the specified entities.

### **History**

A patient required to undergo mandatory local treatment by a court order must: 1) be suffering from a severe mental disorder; 2) be a danger to self or others; and 3) not be hospitalized in the state hospital at the time of the order. The patient undergoes treatment for at least 25 days in a local mental health treatment agency (Agency). Mandatory local treatment is not applicable if the court finds among other factors, that the patient will not benefit from the required period of treatment ([A.R.S. § 36-541](#)).

The application for an emergency admission for evaluation includes: 1) a statement by the applicant that the individual, because of a mental disorder, is a danger to self or others; 2) the specific nature of the danger; 3) a summary of the observations; and 4) the signature of the applicant ([A.R.S. § 36-524](#)).

*Persistent or acute disability* means a severe mental disorder that: 1) if not treated, has a substantial probability of causing the individual to suffer harm; 2) substantially impairs the individual's capacity to make an informed decision on treatment; and 3) has the prospect of being treatable ([A.R.S. § 36-501](#)).

### **Provisions**

1. Modifies the definition of *persistent or acute disability*. (Sec. 1)
2. Prohibits public access or inspection of case records and information regarding a court proceeding brought under health care institutions or clinical laboratories, except as otherwise provided by law or court order. (Sec. 2)
3. Authorizes the court, for good cause, to release case records and case information regarding a court proceeding brought under health care institutions or clinical laboratories. (Sec. 2)
4. Allows the Supreme Court to adopt rules governing access to case records and information regarding any court proceeding brought under the prescribed entities. (Sec. 2)
5. Defines *case record*. (Sec. 2)
6. Revises the application form for an emergency admission for evaluation. (Sec. 3)
7. Removes the requirement that a court-ordered treatment petition with the prescribed information contain cases of grave disability. (Sec. 5)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

8. Expands the prescribed information on a court-ordered treatment petition to include, if the individual has an existing guardian:
  - a) A statement identifying the existing guardian; and
  - b) A request that the court consider imposing additional duties on the existing guardian. (Sec. 5)
9. Revises the entity that is mailed a copy of the court-ordered treatment petition. (Sec. 6)
10. Establishes procedures relating to the transfer of cases between counties involving enforcement and administration of court-ordered treatment. (Sec. 6)
11. Requires the Supreme Court to adopt a rule establishing a program (Program) to enable the prescribed entities to determine:
  - a) The existence of an active court order for treatment; and
  - b) The history of court orders for treatment entered for a patient by a superior court in any county. (Sec. 6)
12. Prescribes the Program's requirements on disclosure and confidentiality. (Sec. 6)
13. Makes technical and conforming changes. (Sec. 1, 3, 4, 5, 6)