

House Engrossed Senate Bill  
state hospital; placement; court-ordered treatment

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1392

AN ACT

AMENDING SECTION 36-541, 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 36-541, Arizona Revised Statutes, is amended to  
3 read:

4 36-541. Mandatory local treatment

5 A. A patient who is ordered by a court to undergo treatment, ~~if~~ AND  
6 WHO IS not hospitalized in the state hospital at the time of the  
7 order, ~~shall~~ shall undergo treatment for at least twenty-five days in a local  
8 mental health treatment agency THAT IS geographically convenient for the  
9 patient before being hospitalized in the state hospital. This section  
10 ~~shall~~ DOES not apply if the court finds, at a hearing on court-ordered  
11 treatment, that the patient's present condition and history demonstrate  
12 that the patient will not benefit from the required period of treatment in  
13 a local mental health treatment agency or that the state hospital provides  
14 a program ~~which~~ THAT is specific to the needs of the patient and is  
15 unavailable in the local mental health treatment agency, or when there is  
16 no local mental health treatment agency readily available to the  
17 patient. Such a finding shall be based at least ~~upon~~ ON the annual  
18 written description by the state hospital of programs and services  
19 available and appropriate written reports from the medical director of the  
20 local mental health treatment agency. The patient may be immediately  
21 hospitalized at the state hospital whenever the court determines that this  
22 section does not apply.

23 B. A patient who is ordered by a court to undergo treatment ~~based~~  
24 ~~on a determination that he has a persistent or acute disability shall be~~  
25 ~~treated for at least twenty-five days solely in or by a local mental~~  
26 ~~health treatment agency geographically convenient for the patient unless~~  
27 ~~he~~ MAY BE ADMITTED FOR TREATMENT IF THE PATIENT is accepted by the  
28 superintendent of the state hospital for treatment at the state hospital  
29 OR IF THE COURT ORDERS PLACEMENT AT THE STATE HOSPITAL PURSUANT TO  
30 SUBSECTION A OR C OF THIS SECTION.

31 C. DURING ANY PERIOD OF COURT-ORDERED TREATMENT, THE MEDICAL  
32 DIRECTOR OF THE LOCAL MENTAL HEALTH TREATMENT AGENCY ASSIGNED TO SUPERVISE  
33 AND ADMINISTER THE PATIENT'S TREATMENT PROGRAM MAY FILE A MOTION  
34 REQUESTING THE COURT TO AMEND THE TREATMENT ORDER TO PLACE THE PATIENT FOR  
35 TREATMENT AT THE STATE HOSPITAL. AFTER A HEARING, IF THE COURT FINDS THAT  
36 THE PATIENT'S PRESENT CONDITION AND HISTORY DEMONSTRATE THAT THE PATIENT  
37 WILL NOT BENEFIT FROM A CONTINUED PERIOD OF TREATMENT IN OR BY A LOCAL  
38 MENTAL HEALTH TREATMENT AGENCY, EITHER AS AN INPATIENT OR AN OUTPATIENT,  
39 OR THAT THE STATE HOSPITAL PROVIDES A PROGRAM THAT IS SPECIFIC TO THE  
40 NEEDS OF THE PATIENT AND IS UNAVAILABLE IN A LOCAL MENTAL HEALTH TREATMENT  
41 AGENCY, AND THAT THE LEAST RESTRICTIVE PLACEMENT TO MEET THE NEEDS OF THE  
42 PATIENT FOR THE FORESEEABLE FUTURE IS PLACEMENT IN THE STATE HOSPITAL AND  
43 THERE IS A LEGALLY AVAILABLE FUNDED BED IN THE STATE HOSPITAL, THE COURT

1 MAY AMEND THE ORIGINAL TREATMENT ORDER AUTHORIZING THE PLACEMENT OF THE  
2 PATIENT AT THE STATE HOSPITAL PURSUANT TO SECTION 36-540, SUBSECTION A,  
3 PARAGRAPH 2 OR 3. WITHIN FIVE DAYS AFTER RECEIVING NOTICE FROM THE COURT,  
4 THE SUPERINTENDENT SHALL NOTIFY THE COURT WHETHER A BED IS AVAILABLE IN  
5 THE STATE HOSPITAL.