

House Engrossed Senate Bill

~~technical correction; state hospital~~  
(now: state hospital; administration; oversight)

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

# SENATE BILL 1444

AN ACT

AMENDING SECTION 41-3803, ARIZONA REVISED STATUTES; AMENDING LAWS 2021,  
CHAPTER 402, SECTION 3; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-3803, Arizona Revised Statutes, is amended to  
3 read:

4 41-3803. Independent oversight committee on the mentally ill;  
5 membership; community forums; meetings; training  
6 plan; Arizona state hospital

7 A. The independent oversight committee on the mentally ill is  
8 established in the department of administration to promote the rights of  
9 persons who receive behavioral health services pursuant to:

- 10 1. Section 13-3992 or 13-3994.  
11 2. Title 36, chapters 5 and 34.

12 B. Each region of this state covered by a regional behavioral  
13 health authority shall have at least one independent oversight committee  
14 with the authority and responsibilities as prescribed by the department of  
15 administration pursuant to rules adopted by the department relating to  
16 behavioral health services.

17 C. The director of the department may establish additional  
18 committees to serve persons who receive behavioral health services or to  
19 oversee the activities of any service provider.

20 D. Each independent oversight committee shall consist of at least  
21 seven and not more than fifteen members appointed by the director of the  
22 department with expertise in at least one of the following areas:

- 23 1. Psychology.  
24 2. Law.  
25 3. Medicine.  
26 4. Education.  
27 5. Special education.  
28 6. Social work.  
29 7. Mental health.  
30 8. Housing for the mentally ill.  
31 9. Criminal justice.  
32 10. Public safety.

33 E. Each independent oversight committee, if appropriate, shall  
34 include at least two parents of children who receive behavioral health  
35 services pursuant to title 36, chapter 34.

36 F. Each independent oversight committee shall include at least one  
37 member who is a current or former client of the behavioral health system.

38 G. Current or former providers or employees of providers that have  
39 contracted with a regional behavioral health authority may serve on an  
40 independent oversight committee but may not hold more than two positions  
41 on the committee.

42 H. Each independent oversight committee may hold one or more  
43 community forums annually to receive comments regarding the experiences of  
44 individuals living with serious mental illness, and their family members  
45 and caregivers, across the care continuum.

1 I. The department shall ensure that each regional behavioral health  
2 authority and its providers develop and implement a human rights training  
3 plan to ensure that providers are trained regarding clients' human rights  
4 and the duties of the independent oversight committees.

5 J. The independent oversight committee at the Arizona state  
6 hospital shall have oversight of patients who have been determined to have  
7 a serious mental illness and who are hospitalized and receiving behavioral  
8 health services at the civil and forensic hospital pursuant to  
9 subsection A of this section. THE ARIZONA STATE HOSPITAL'S ADMINISTRATION  
10 AND EMPLOYEES MAY NOT RETALIATE AGAINST A PATIENT BECAUSE THE PATIENT OR  
11 THE PATIENT'S FAMILY PARTICIPATES IN THE INDEPENDENT OVERSIGHT COMMITTEE  
12 MEETINGS. A PATIENT OR PATIENT'S FAMILY THAT ALLEGES RETALIATION MUST  
13 PROVIDE TO THE INDEPENDENT OVERSIGHT COMMITTEE IN WRITING A DETAILED  
14 DESCRIPTION OF THE RETALIATION AND HOW THE RETALIATION IS CONNECTED TO THE  
15 PATIENT'S OR FAMILY'S PARTICIPATION IN THE INDEPENDENT OVERSIGHT COMMITTEE  
16 MEETINGS. THIS SUBSECTION DOES NOT PRECLUDE THE ARIZONA STATE HOSPITAL'S  
17 ADMINISTRATION FROM TAKING ACTION AGAINST A PATIENT WHO VIOLATES HOSPITAL  
18 POLICIES OR PROCEDURES. The Arizona state hospital shall provide to the  
19 committee, subject to state and federal law, information regarding the  
20 following:

- 21 1. Seclusion of and the use of restraints on patients.
- 22 2. Incident accident reports.
- 23 3. Allegations of illegal, dangerous or inhumane treatment of  
24 patients.
- 25 4. Provisions of services to patients in need of special  
26 assistance.
- 27 5. Allegations of neglect and abuse.
- 28 6. Allegations of denial of rights afforded to patients with  
29 serious mental illness except ~~where~~ IF a right may be restricted for the  
30 safety of a patient, the state hospital or the public.

31 K. THE ARIZONA STATE HOSPITAL SUPERINTENDENT AND CHIEF MEDICAL  
32 OFFICER, OR THEIR DESIGNEES, SHALL ATTEND AND PARTICIPATE IN SCHEDULED  
33 MEETINGS OF THE INDEPENDENT OVERSIGHT COMMITTEE AT THE ARIZONA STATE  
34 HOSPITAL, EXCEPT FOR THE PUBLIC COMMENT PERIOD. THE SUPERINTENDENT AND  
35 THE CHIEF MEDICAL OFFICER, OR THEIR DESIGNEES, SHALL GIVE A REPORT TO AND  
36 RESPOND TO QUESTIONS FROM THE INDEPENDENT OVERSIGHT COMMITTEE  
37 MEMBERS. QUESTIONS FROM THE INDEPENDENT OVERSIGHT COMMITTEE MEMBERS TO  
38 THE SUPERINTENDENT AND THE CHIEF MEDICAL OFFICER, OR THEIR DESIGNEES, ARE  
39 LIMITED TO SUBJECTS SPECIFIED IN SUBSECTION J OF THIS SECTION. THE  
40 SUPERINTENDENT SHALL ENSURE THAT THE ARIZONA STATE HOSPITAL  
41 ADMINISTRATION:

- 42 1. FULLY COOPERATES WITH THE INDEPENDENT OVERSIGHT COMMITTEE IN ALL  
43 ASPECTS OF ITS WORK, AS OUTLINED IN SUBSECTION J OF THIS SECTION.

1           2. FACILITATES AND SUPPORTS THE INDEPENDENT OVERSIGHT COMMITTEE'S  
2           ACTIVITIES RELATED TO THE ARIZONA STATE HOSPITAL AND PURSUANT TO THE  
3           DEPARTMENT OF ADMINISTRATION'S RULES.

4           3. RESPONDS TO THE INDEPENDENT OVERSIGHT COMMITTEE WITH INFORMATION  
5           THAT IS RESPONSIVE TO INQUIRIES MADE PURSUANT TO THIS SUBSECTION OR  
6           RESPONDS IN WRITING AS TO WHY A REQUEST WAS DENIED.

7           ~~4.~~ L. Each committee shall be organized pursuant to this section  
8           and the requirements of section 41-3804.

9           Sec. 2. Laws 2021, chapter 402, section 3 is amended to read:

10          Sec. 3. Joint legislative psychiatric hospital review  
11               council; members; duties; reports; delayed repeal

12          A. The joint legislative psychiatric hospital review council is  
13          established consisting of the following members:

14           1. Two members of the house of representatives who are not members  
15           of the same political party and who are appointed by the speaker of the  
16           house of representatives. The speaker of the house of representatives  
17           shall designate one of these members to serve as cochairperson of the  
18           committee.

19           2. Two members of the senate who are not members of the same  
20           political party and who are appointed by the president of the senate. The  
21           president of the senate shall designate one of these members to serve as  
22           cochairperson of the committee.

23           3. The director of the Arizona health care cost containment system  
24           or the director's designee.

25           4. The director of the department of health services or the  
26           director's designee.

27           5. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS OR THE  
28           DIRECTOR'S DESIGNEE.

29           6. A LAW ENFORCEMENT OFFICER WHO IS APPOINTED BY THE PRESIDENT OF  
30           THE SENATE.

31           7. A PERSON WHO HAS EXPERIENCE AS A CHIEF EXECUTIVE OFFICER OR  
32           CHIEF OPERATING OFFICER OF A HOSPITAL AND WHO IS APPOINTED BY THE SPEAKER  
33           OF THE HOUSE OF REPRESENTATIVES.

34           ~~5.~~ 8. A judge of a superior court in which cases involving persons  
35           with serious mental illness are routinely adjudicated who is appointed by  
36           the speaker of the house of representatives.

37           ~~6.~~ 9. A person who provides legal representation to and advocates  
38           on behalf of persons with serious mental illness who is appointed by the  
39           president of the senate.

40           ~~7.~~ 10. A family member of a person with serious mental illness who  
41           is appointed by the speaker of the house of representatives.

42           ~~8.~~ 11. A psychiatrist who specializes in treating persons with  
43           serious mental illness and who is appointed by the president of the  
44           senate.

1 B. Review council members are not eligible to receive compensation  
2 but are eligible for reimbursement of expenses under title 38, chapter 4,  
3 article 2, Arizona Revised Statutes.

4 C. The review council shall review, analyze and make  
5 recommendations regarding at least the following:

6 1. Psychiatric hospital capacity in this state, including the bed  
7 capacity at the Arizona state hospital and other public facilities.

8 2. The role of private facilities in addressing psychiatric  
9 treatment needs.

10 3. Innovative programs to ensure public safety while providing  
11 clinically appropriate treatment in the most integrated setting.

12 4. Legal barriers.

13 5. Current waiting lists.

14 6. Barriers to accessing appropriate inpatient care.

15 7. Licensing barriers.

16 8. Any other issues related to inpatient psychiatric treatment.

17 9. THE FEASIBILITY OF TRANSFERRING THE ARIZONA STATE HOSPITAL TO  
18 THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM OR AN ALTERNATIVE  
19 OVERSIGHT ENTITY.

20 D. The cochairpersons of the review council shall invite subject  
21 matter experts from the fields of law, behavioral health and behavioral  
22 health system development to advise the review council.

23 E. On or before December 31, ~~2021~~ 2022 and December 31, ~~2022~~ 2023,  
24 the review council shall submit a report of its findings and  
25 recommendations to the speaker of the house of representatives, the  
26 president of the senate and the governor and shall provide a copy of the  
27 reports to the secretary of state.

28 F. This section is repealed from and after August 31, ~~2023~~ 2026.

29 Sec. 3. Clinical improvement and human resources development  
30 plan; requirements; implementation; delayed repeal

31 A. On or before September 1, 2023, the Arizona state hospital  
32 administration shall develop and provide to the governor, the president of  
33 the senate, the speaker of the house of representatives and the committee  
34 chairpersons of the health and human services committees of the senate and  
35 the house of representatives an evidence-based and innovative clinical  
36 improvement and human resources development plan and proposed budget to  
37 fully implement the plan not later than January 1, 2025. This plan shall  
38 be developed in collaboration with the independent oversight committees on  
39 mental health and the Arizona state hospital, public and private community  
40 resources, community providers and guardians, families and representatives  
41 of patients at the Arizona state hospital. The plan shall do all of the  
42 following:

43 1. Identify the necessary enhancements to the services, facilities  
44 and staff at the Arizona state hospital to provide statutorily required  
45 treatment and services to patients in the forensic and civil hospitals and

1 the Arizona community protection and treatment center, including treatment  
2 and services for secondary diagnoses, such as substance use disorder,  
3 autism spectrum disorder, personality disorders and developmental  
4 disabilities.

5 2. Provide options and recommendations to reduce the number of  
6 patients statewide who are seeking admission to the Arizona state hospital  
7 and to reduce the waiting time to be admitted to the Arizona state  
8 hospital.

9 3. Identify optimal levels of acuity-based staffing at the Arizona  
10 state hospital with full-time employees and minimal use of contract staff  
11 and ways to increase the number of forensically trained clinical staff at  
12 both the management and staff levels.

13 4. Include a pandemic response and preparedness plan that does the  
14 following:

15 (a) Creates a set of clinical metrics to significantly mitigate the  
16 effects of the COVID-19 pandemic and staffing shortages on the Arizona  
17 state hospital's implementation of each patient's individual treatment and  
18 discharge plan, including the patient's inability to achieve what is  
19 necessary to advance to conditional release.

20 (b) Ensures continuous operation of the Arizona state hospital with  
21 minimal or no cessation or disruption of treatment services in the event  
22 of a new or recurrent epidemic or pandemic event.

23 5. In collaboration with community-based treatment facilities,  
24 identify levels of service that assist in transitioning patients out of  
25 the Arizona state hospital into clinically appropriate settings, which may  
26 include secure or less restrictive settings than the Arizona state  
27 hospital, and ways to increase the number of patients who successfully  
28 transition into the community with no readmission to the Arizona state  
29 hospital or other inpatient psychiatric facility.

30 6. Identify an independent third-party that resides outside of the  
31 Arizona state hospital to investigate incident reports and to whom  
32 patients, families and advocates may file complaints.

33 B. This section is repealed from and after December 31, 2025.