

Senate Engrossed

~~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. THIS SUBSECTION DOES NOT PRECLUDE THE ARIZONA STATE HOSPITAL'S
13 ADMINISTRATION FROM TAKING ACTION AGAINST A PATIENT WHO VIOLATES HOSPITAL
14 POLICIES OR PROCEDURES.~~ The Arizona state hospital shall provide to the
15 committee, subject to state and federal law, information regarding the
16 following:

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

27 K. ~~THE ARIZONA STATE HOSPITAL SUPERINTENDENT AND CHIEF MEDICAL
28 OFFICER, OR THEIR DESIGNEES, SHALL ATTEND AND PARTICIPATE IN SCHEDULED
29 MEETINGS OF THE INDEPENDENT OVERSIGHT COMMITTEE AT THE ARIZONA STATE
30 HOSPITAL, EXCEPT FOR THE PUBLIC COMMENT PERIOD. THE SUPERINTENDENT AND THE
31 CHIEF MEDICAL OFFICER, OR THEIR DESIGNEES, SHALL GIVE A REPORT TO AND
32 RESPOND TO QUESTIONS FROM THE INDEPENDENT OVERSIGHT COMMITTEE MEMBERS.
33 THE SUPERINTENDENT SHALL ENSURE THAT THE ARIZONA STATE HOSPITAL
34 ADMINISTRATION:~~

- 35 1. ~~FULLY COOPERATES WITH THE INDEPENDENT OVERSIGHT COMMITTEE IN ALL
36 ASPECTS OF ITS WORK.~~
- 37 2. ~~FACILITATES THE INDEPENDENT OVERSIGHT COMMITTEE'S ACTIVITIES
38 RELATED TO THE ARIZONA STATE HOSPITAL AND PURSUANT TO THE DEPARTMENT OF
39 ADMINISTRATION'S RULES.~~
- 40 3. ~~TIMELY RESPONDS TO THE INDEPENDENT OVERSIGHT COMMITTEE WITH
41 INFORMATION THAT IS RESPONSIVE TO EACH INQUIRY OR RESPONDS IN WRITING AS
42 TO WHY A REQUEST WAS DENIED.~~

43 ~~K.~~ L. Each committee shall be organized pursuant to this section
44 and the requirements of section 41-3804.

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

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

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

6 1. Two members of the house of representatives who are not members
7 of the same political party and who are appointed by the speaker of the
8 house of representatives. The speaker of the house of representatives
9 shall designate one of these members to serve as cochairperson of the
10 committee.

11 2. Two members of the senate who are not members of the same
12 political party and who are appointed by the president of the senate. The
13 president of the senate shall designate one of these members to serve as
14 cochairperson of the committee.

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

17 4. The director of the department of health services or the
18 director's designee.

19 5. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS OR THE
20 DIRECTOR'S DESIGNEE.

21 6. A LAW ENFORCEMENT OFFICER WHO IS APPOINTED BY THE PRESIDENT OF
22 THE SENATE.

23 7. A PERSON WHO HAS EXPERIENCE AS A CHIEF EXECUTIVE OFFICER OR
24 CHIEF OPERATING OFFICER OF A HOSPITAL AND WHO IS APPOINTED BY THE SPEAKER
25 OF THE HOUSE OF REPRESENTATIVES.

26 ~~5.~~ 8. A judge of a superior court in which cases involving persons
27 with serious mental illness are routinely adjudicated who is appointed by
28 the speaker of the house of representatives.

29 ~~6.~~ 9. A person who provides legal representation to and advocates
30 on behalf of persons with serious mental illness who is appointed by the
31 president of the senate.

32 ~~7.~~ 10. A family member of a person with serious mental illness who
33 is appointed by the speaker of the house of representatives.

34 ~~8.~~ 11. A psychiatrist who specializes in treating persons with
35 serious mental illness and who is appointed by the president of the
36 senate.

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

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

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

44 2. The role of private facilities in addressing psychiatric
45 treatment needs.

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

3 4. Legal barriers.

4 5. Current waiting lists.

5 6. Barriers to accessing appropriate inpatient care.

6 7. Licensing barriers.

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

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

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

14 E. On or before December 31, ~~2021~~ 2022 and December 31, ~~2022~~ 2023,
15 the review council shall submit a report of its findings and
16 recommendations to the speaker of the house of representatives, the
17 president of the senate and the governor and shall provide a copy of the
18 reports to the secretary of state.

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

20 Sec. 3. Clinical improvement and human resources development
21 plan; requirements; implementation; delayed repeal

22 A. On or before January 1, 2023, the Arizona state hospital
23 administration shall develop and provide to the governor, the president of
24 the senate, the speaker of the house of representatives and the committee
25 chairpersons of the health and human services committees of the senate and
26 the house of representatives an evidence-based and innovative clinical
27 improvement and human resources development plan and proposed budget to
28 fully implement the plan not later than January 1, 2024. This plan shall
29 be developed in collaboration with the independent oversight committees on
30 mental health and the Arizona state hospital, public and private community
31 resources, community providers and guardians, families and representatives
32 of patients at the Arizona state hospital. The plan shall do all of the
33 following:

34 1. Identify the necessary enhancements to the services, facilities
35 and staff at the Arizona state hospital to provide statutorily required
36 treatment and services to patients in the forensic and civil hospitals and
37 the Arizona community protection and treatment center, including treatment
38 and services for secondary diagnoses, such as substance use disorder,
39 autism spectrum disorder, personality disorders and developmental
40 disabilities.

41 2. Provide options and recommendations to reduce the number of
42 patients statewide who are seeking admission to the Arizona state hospital
43 and to reduce the waiting time to be admitted to the Arizona state
44 hospital.

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

5 4. Include a pandemic response and preparedness plan that does the
6 following:

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

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

15 5. In collaboration with community-based treatment facilities,
16 identify levels of service that assist in transitioning patients out of
17 the Arizona state hospital into clinically appropriate settings, which may
18 include secure or less restrictive settings than the Arizona state
19 hospital, and ways to increase the number of patients who successfully
20 transition into the community with no readmission to the Arizona state
21 hospital or other inpatient psychiatric facility.

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

25 B. This section is repealed from and after December 31, 2024.