

House Engrossed Senate Bill

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

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

CHAPTER 359

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.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.