

Senate Engrossed

mental health; oversight; data; documentation.

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 163
SENATE BILL 1311

AN ACT

AMENDING SECTIONS 36-502, 36-520, 36-521, 36-523, 36-524, 36-527 AND
36-531, ARIZONA REVISED STATUTES; RELATING TO MENTAL HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-502, Arizona Revised Statutes, is amended to
3 read:

4 36-502. Powers and duties of the director of AHCCCS; rules;
5 expenditure limitation; reporting requirements;
6 definition

7 A. THE ADMINISTRATION IS RESPONSIBLE FOR MONITORING, OVERSEEING AND
8 EVALUATING ITS CONTRACTORS AND THE CONTRACTED AGENCIES PROVIDING SERVICES
9 UNDER THIS CHAPTER TO ENSURE THAT THE SERVICES ARE PROVIDED IN A TIMELY,
10 CLINICALLY EFFECTIVE AND EFFICIENT MANNER. THE ADMINISTRATION AND ITS
11 CONTRACTORS SHALL MONITOR THE PERFORMANCE OF AN AGENCY PROVIDING SERVICES
12 PURSUANT TO THIS CHAPTER. THE ADMINISTRATION SHALL TAKE CORRECTIVE
13 ACTION, WHICH MAY INCLUDE TECHNICAL ASSISTANCE, AND IMPOSE CIVIL PENALTIES
14 PURSUANT TO SECTION 36-2918, IF APPROPRIATE, SUSPENSION AND TERMINATION OF
15 CONTRACTS, FOR AGENCIES THAT THE ADMINISTRATION FINDS TO NOT BE IN
16 COMPLIANCE WITH COUNTY, STATE AND FEDERAL LAWS AND RULES OR TO NOT BE
17 PERFORMING THE SERVICES IN A TIMELY, EFFECTIVE AND EFFICIENT MANNER.

18 ~~A.~~ B. The director shall ~~make~~ ADOPT rules that include standards
19 for agencies other than the state hospital when providing services and
20 shall prescribe forms as may be necessary for the proper administration
21 and enforcement of this chapter. The rules shall be applicable to
22 patients admitted to or treated in agencies, other than the state
23 hospital, as set forth in this chapter and shall provide for periodic
24 inspections of such agencies.

25 C. THE DIRECTOR SHALL ADOPT RULES, IF NECESSARY, AND PRESCRIBE
26 REPORTING REQUIREMENTS AND STANDARDS FOR CONTRACTORS AND CONTRACTED
27 AGENCIES TO COLLECT, REPORT AND ANALYZE INFORMATION AND DATA FOR THE
28 PURPOSE OF UNDERSTANDING THE CLINICAL EFFECTIVENESS OF SERVICES PROVIDED
29 BY THE VARIOUS AGENCIES PURSUANT TO THIS CHAPTER. THE ADMINISTRATION
30 SHALL ANALYZE THE INFORMATION AND DATA COLLECTED SEMIANNUALLY AND SHALL
31 REPORT ANNUALLY TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
32 SPEAKER OF THE HOUSE OF REPRESENTATIVES BEGINNING ON OR BEFORE DECEMBER
33 31, 2025. FOR THE PURPOSES OF THIS SUBSECTION, THE INFORMATION AND DATA
34 SHALL IDENTIFY AND MEASURE CLINICAL OUTCOMES IN THE PAST YEAR OF MEMBERS
35 WHO HAVE RECEIVED A DESIGNATION OF SERIOUS MENTAL ILLNESS, INCLUDING ALL
36 OF THE FOLLOWING:

37 1. THE NUMBER OF HOSPITALIZATIONS AND REHOSPITALIZATIONS, THE
38 FACILITIES WHERE ADMISSIONS OCCURRED AND THE AVERAGE LENGTH OF STAY BY
39 ADMITTING DIAGNOSIS, FOR MEMBERS FOR WHOM THE ADMINISTRATION OR ITS
40 CONTRACTOR IS THE PRIMARY PAYOR.

41 2. THE NUMBER AND PERCENTAGE OF MEMBERS WITH A MENTAL HEALTH
42 DISORDER AND CO-OCCURRING SUBSTANCE USE DISORDER DIAGNOSIS WHO WERE
43 ADMITTED, DISCHARGED AND SUBSEQUENTLY READMITTED TO AN INPATIENT
44 PSYCHIATRIC FACILITY WITHIN THE PRECEDING YEAR, FOR MEMBERS FOR WHOM THE
45 ADMINISTRATION OR ITS CONTRACTOR IS THE PRIMARY PAYOR.

- 1 3. THE NUMBER AND PERCENTAGE OF MEMBERS WHOSE TITLE XIX ENROLLMENT
2 IS PLACED IN A NO-PAY STATUS IN A GIVEN YEAR DUE TO THE MEMBER'S
3 INCARCERATION STATUS, STRATIFIED BY THE NUMBER OF TIMES ENROLLMENT IS
4 SUSPENDED.
- 5 4. THE NUMBER OF MEMBERS FOR WHOM THE ADMINISTRATION OR ITS
6 CONTRACTOR IS NOTIFIED OF A RELEASE FROM INCARCERATION AND FOR WHOM THE
7 ADMINISTRATION OR ITS CONTRACTOR CONDUCTS REACH-IN SERVICES.
- 8 5. THE NUMBER OF RESPONSES BY THE CONTRACTED CRISIS SYSTEM THAT
9 IDENTIFY MEMBERS WITH A SERIOUS MENTAL ILLNESS DESIGNATION, INCLUDING:
10 (a) THE NUMBER OF CRISIS PHONE LINE CALLS RECEIVED.
11 (b) THE NUMBER OF MOBILE TEAMS DISPATCHED.
12 (c) THE NUMBER OF MEMBERS SEEN AT PSYCHIATRIC URGENT CARE CENTERS.
13 (d) THE NUMBER OF MEMBERS WITH TWO OR MORE DISTINCT CRISIS SYSTEM
14 EPISODES.
- 15 6. THE NUMBER OF MEMBER DEATHS, THE DEATH RATE AND THE CAUSE OF
16 DEATH IN THE PRECEDING YEAR.
- 17 7. THE NUMBER OF MEMBERS WHO ARE HOMELESS, UNSHELTERED OR
18 INADEQUATELY HOUSED AND FOR WHAT PERIOD OF TIME, AS IDENTIFIED THROUGH
19 HOMELESS MANAGEMENT INFORMATION SYSTEM DATA OR OTHER AVAILABLE SOURCES
20 IDENTIFIED BY THE ADMINISTRATION.
- 21 8. THE NUMBER OF TITLE XIX MEMBERS OR NON-TITLE XIX GRANT-FUNDED
22 MEMBERS, SEPARATELY DELINEATED, WHO ARE:
23 (a) ADMITTED TO A BEHAVIORAL HEALTH RESIDENTIAL FACILITY.
24 (b) DISCHARGED FROM A BEHAVIORAL HEALTH RESIDENTIAL FACILITY.
25 (c) FOR THOSE MEMBERS FOR WHOM THE ADMINISTRATION OR ITS CONTRACTOR
26 IS THE PRIMARY PAYOR, ADMITTED TO AN INPATIENT PSYCHIATRIC HOSPITAL WITHIN
27 ONE YEAR AFTER DISCHARGE FROM THE BEHAVIORAL HEALTH RESIDENTIAL FACILITY.
- 28 9. THE NUMBER AND PERCENTAGE OF MEMBERS WHO:
29 (a) HAVE RECEIVED COURT-ORDERED TREATMENT.
30 (b) HAVE REQUESTED AND RECEIVED THE REMOVAL OF A SERIOUS MENTAL
31 ILLNESS DESIGNATION.
32 (c) HAVE RECEIVED COURT-ORDERED TREATMENT AND ARE ADHERENT TO THE
33 COURT-ORDERED TREATMENT.
34 (d) DID NOT RECEIVE A SINGLE BEHAVIORAL HEALTH SERVICE.
- 35 10. THE NUMBER OF PATIENTS WHO HAVE BEEN DISCHARGED FROM THE STATE
36 HOSPITAL AND ADMITTED TO A CONTRACTED PSYCHIATRIC HOSPITAL WITHIN THE
37 PRECEDING YEAR.
- 38 11. THE NUMBER OF MEMBERS WHO HAVE BEEN EVALUATED FOR A SERIOUS
39 MENTAL ILLNESS ELIGIBILITY DETERMINATION, THE NUMBER OF MEMBERS WHOSE
40 ELIGIBILITY DETERMINATION RESULTED IN RECEIVING A SERIOUS MENTAL ILLNESS
41 DESIGNATION AND THE NUMBER OF MEMBERS WHOSE ELIGIBILITY DETERMINATION
42 RESULTED IN NOT RECEIVING A SERIOUS MENTAL ILLNESS DESIGNATION.
- 43 12. THE NUMBER OF MEMBERS WHO ARE ALSO ENROLLED IN MEDICARE AND
44 WHEN THE MEMBER'S MEDICARE ENROLLMENT BECAME KNOWN TO THE ADMINISTRATION,
45 SEPARATELY REPORTED BY TITLE XIX AND NON-TITLE XIX MEMBERS.

1 ~~B.~~ D. The director shall ~~make~~ ADOPT rules concerning the admission
2 of patients and the transfer of patients between mental health treatment
3 agencies other than the state hospital. A patient undergoing
4 court-ordered treatment may be transferred from one mental health
5 treatment agency to another in accordance with the rules of the director,
6 subject to the approval of the court.

7 ~~C.~~ E. The director may ~~make~~ ADOPT rules concerning leaves, visits
8 and absences of patients from evaluation agencies and mental health
9 treatment agencies other than the state hospital.

10 ~~D.~~ F. The total amount of state monies that may be spent in any
11 fiscal year by the administration for mental health services pursuant to
12 this chapter may not exceed the amount appropriated or authorized by
13 section 35-173 for that purpose. This chapter does not impose a duty on
14 an officer, agent or employee of this state to discharge a responsibility
15 or create any right in a person or group if the discharge or right would
16 require an expenditure of state monies in excess of the expenditure
17 authorized by legislative appropriation for that specific purpose.

18 G. THE REQUIREMENTS OF SUBSECTION C OF THIS SECTION SHALL BE
19 IMPLEMENTED NOT LATER THAN OCTOBER 1, 2025. ON OR BEFORE DECEMBER 31,
20 2024, THE ADMINISTRATION SHALL FILE AN INTERIM REPORT WITH THE GOVERNOR,
21 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
22 REPRESENTATIVES THAT DESCRIBES THE PLAN OF THE ADMINISTRATION IN
23 COMPLETING THE REQUIREMENTS OF THIS SECTION. ON OR BEFORE DECEMBER 31,
24 2025, THE ADMINISTRATION SHALL FILE A REPORT WITH THE GOVERNOR, THE
25 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
26 CONFIRMING THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION.

27 H. FOR THE PURPOSES OF THIS SECTION, "MEMBER" HAS THE SAME MEANING
28 PRESCRIBED IN SECTION 36-2901.

29 Sec. 2. Section 36-520, Arizona Revised Statutes, is amended to
30 read:

31 36-520. Application for evaluation; definition

32 A. Any responsible individual may apply for a court-ordered
33 evaluation of a person who is alleged to be, as a result of a mental
34 disorder, a danger to self or to others or a person with a persistent or
35 acute disability or a grave disability and who is unwilling or unable to
36 undergo a voluntary evaluation. The application shall be made in the
37 prescribed form and manner as adopted by the director.

38 B. The application for evaluation shall include the following data:

39 1. The name, and address if known, of the proposed patient for whom
40 evaluation is applied.

41 2. The age, date of birth, sex, race, marital status, occupation,
42 social security number, present location, dates and places of previous
43 hospitalizations, names and addresses of the guardian, spouse, next of kin
44 and significant other persons and other data that the director may require

1 on the form to whatever extent that this data is known and is applicable
2 to the proposed patient.

3 3. The name, address and relationship of the person who is applying
4 for the evaluation.

5 4. A statement that the proposed patient is believed to be, as a
6 result of a mental disorder, a danger to self or to others or a patient
7 with a persistent or acute disability or a grave disability and the facts
8 on which this statement is based.

9 5. A statement that the applicant believes the proposed patient is
10 in need of supervision, care and treatment and the facts on which this
11 statement is based.

12 C. The application shall be signed and notarized.

13 D. The screening agency shall offer assistance to the applicant in
14 preparation of the application. On receipt of the application, the
15 screening agency shall act as prescribed in section 36-521 within
16 forty-eight hours ~~of~~ AFTER the filing of the application, excluding
17 weekends and holidays. If the application is not acted ~~upon~~ ON within
18 forty-eight hours, the reasons for not acting promptly shall be reviewed
19 by the director of the screening agency or the director's designee.

20 E. If the applicant for the court-ordered evaluation presents the
21 person to be evaluated at the screening agency, the agency shall conduct a
22 prepetition screening examination. Except in the case of an emergency
23 evaluation, the person to be evaluated shall not be detained or forced to
24 undergo prepetition screening against the person's will.

25 F. If the applicant for the court-ordered evaluation does not
26 present the person to be evaluated at the screening agency, the agency
27 shall conduct the prepetition screening at the home of the person to be
28 evaluated or any other place the person to be evaluated is found. If
29 prepetition screening is not possible, the screening agency shall proceed
30 as PRESCRIBED in section 36-521, subsection B.

31 G. If a person is being treated by prayer or spiritual means alone
32 in accordance with the tenets and practices of a recognized church or
33 religious denomination by a duly accredited practitioner of that church or
34 denomination, ~~such~~ THE person may not be ordered evaluated, detained or
35 involuntarily treated unless the court has determined that the person is,
36 as a result of mental disorder, a danger to others or to self.

37 H. Court-ordered evaluation or treatment pursuant to this chapter
38 does not operate to change the legal residence of a patient.

39 I. If the application is not acted on because it has been
40 determined that the proposed patient does not need an evaluation, ~~the~~
41 ~~agency after a period of six months shall destroy the application and any~~
42 ~~other evidence of the application~~ THE MEDICAL DIRECTOR OF THE SCREENING
43 AGENCY OR THE MEDICAL DIRECTOR'S DESIGNEE SHALL MAKE A WRITTEN STATEMENT
44 OF THE REASONS WHY THE PROPOSED PATIENT DOES NOT NEED AN EVALUATION AND
45 SHALL RETAIN THE APPLICATION TOGETHER WITH THE MEDICAL DIRECTOR'S

1 STATEMENT AND ANY RECORDS OR REPORTS CONCERNING PREPETITION SCREENING
2 REQUIRED PURSUANT SECTION 36-521.

3 J. For the purposes of this section, "person" includes a person
4 who:

5 1. Is under eighteen years of age.

6 2. Has been transferred to the criminal division of the superior
7 court pursuant to section 8-327 or who has been charged with an offense
8 pursuant to section 13-501.

9 3. Is under the supervision of an adult probation department.

10 Sec. 3. Section 36-521, Arizona Revised Statutes, is amended to
11 read:

12 36-521. Preparation of petition for court-ordered evaluation;
13 procedures for prepetition screening

14 A. On receiving the application for evaluation, the screening
15 agency, before filing a petition for court-ordered evaluation, shall
16 provide prepetition screening within forty-eight hours excluding weekends
17 and holidays when possible to determine whether there is reasonable cause
18 to believe ~~the allegations of the applicant for the court-ordered~~
19 ~~evaluation, whether the person will voluntarily receive evaluation at a~~
20 ~~scheduled time and place and whether~~ the person has a persistent or acute
21 disability or a grave disability or is ~~likely to present~~ a danger to self
22 or others ~~until the voluntary evaluation~~ AS A RESULT OF A MENTAL DISORDER,
23 AND WHETHER THE PERSON WILL VOLUNTARILY RECEIVE EVALUATION AT A SCHEDULED
24 TIME AND PLACE.

25 B. After prepetition screening has been completed, the screening
26 agency shall prepare a report of opinions and conclusions. If prepetition
27 screening is not possible, the screening agency shall prepare a report
28 giving reasons why the screening was not possible and including opinions
29 and conclusions of staff members who attempted to conduct prepetition
30 screening or otherwise investigated the matter.

31 C. If the prepetition screening ~~report indicates~~ AGENCY DETERMINES
32 that ~~there exists no reasonable cause to believe the allegations of the~~
33 ~~applicant for the court-ordered evaluation, it shall~~ THE APPLICATION FOR
34 EVALUATION IS TO BE DENIED, THE DENIAL SHALL BE STATED IN WRITING ON THE
35 APPLICATION FORM AND SHALL be reviewed AND CONFIRMED by the medical
36 director of the screening agency or the medical director's designee. IF
37 THE SCREENING AGENCY DETERMINES THAT ALTHOUGH THE PERSON DOES NOT
38 CURRENTLY MEET THE CRITERIA FOR COURT-ORDERED EVALUATION, THERE ARE
39 REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS A MENTAL DISORDER, IS IN
40 NEED OF FURTHER EVALUATION OR TREATMENT AND IS ABLE AND WILLING TO PURSUE
41 PRIVATE OR PUBLIC EVALUATION OR TREATMENT SERVICES AVAILABLE TO THE PERSON
42 IN THE COMMUNITY, THE SCREENING AGENCY SHALL ASSIST THE PROPOSED PATIENT
43 IN FINDING SPECIFIC EVALUATION OR TREATMENT SERVICES IN THE PROPOSED
44 PATIENT'S AREA AND, IF REQUESTED, MAKE A DIRECT REFERRAL TO A PERSON,

1 AGENCY OR ORGANIZATION PROVIDING BEHAVIORAL HEALTH SERVICES FOR THE
2 PURPOSE OF EVALUATION AND TREATMENT.

3 D. If, based on the allegations of the applicant for the
4 court-ordered evaluation and the prepetition screening report or other
5 information obtained while attempting to conduct a prepetition screening,
6 the agency determines that there is reasonable cause to believe that the
7 proposed patient is, as a result of mental disorder, a danger to self or
8 to others or has a persistent or acute disability or a grave disability
9 and that the proposed patient is unable or unwilling to voluntarily
10 receive evaluation or is likely to present a danger to self or to others,
11 has a grave disability or will further deteriorate before receiving a
12 voluntary evaluation, the agency shall prepare a petition for
13 court-ordered evaluation and shall file the petition, which shall be
14 signed by the person who prepared the petition unless the county attorney
15 performs these functions. If the agency determines that there is
16 reasonable cause to believe that the person is in such a condition that
17 without immediate hospitalization he is likely to harm himself or others,
18 the agency shall take all reasonable steps to procure such hospitalization
19 on an emergency basis.

20 E. The agency may contact the county attorney in order to obtain
21 assistance in preparing the petition for court-ordered evaluation, and the
22 agency may request the advice and judgment of the county attorney in
23 reaching a decision as to whether the court-ordered evaluation is
24 justified.

25 F. The county attorney may prepare or sign or file the petition if
26 a court has ordered the county attorney to prepare the petition.

27 G. If a petition for court-ordered evaluation alleges danger to
28 others as described in section 36-501, the screening agency, before filing
29 such a petition, shall contact the county attorney for a review of the
30 petition. The county attorney shall examine the petition and make one of
31 the following written recommendations:

32 1. That a criminal investigation is warranted.

33 2. That the screening agency shall file the petition.

34 3. That no further proceedings are warranted. The screening agency
35 shall consider the recommendation in determining whether a court-ordered
36 evaluation is justified and shall include the recommendation with the
37 petition if the agency decides to file the petition with the court.

38 H. The petition shall be made in the form and manner prescribed by
39 the director.

40 I. If a petition for court-ordered evaluation is filed by a
41 prosecutor pursuant to section 13-4517, a prior application for
42 court-ordered evaluation or prescreening is not necessary.

1 Sec. 4. Section 36-523, Arizona Revised Statutes, is amended to
2 read:

3 36-523. Petition for evaluation

4 A. The petition for evaluation shall contain the following:

5 1. The name, address and interest in the case of the individual who
6 applied for the petition.

7 2. The name, and address if known, of the proposed patient for whom
8 evaluation is petitioned.

9 3. The present whereabouts of the proposed patient, if known.

10 4. A statement alleging that there is reasonable cause to believe
11 that the proposed patient has a mental disorder and is as a result a
12 danger to self or others, has a persistent or acute disability or a grave
13 disability and is unwilling or unable to undergo voluntary evaluation.

14 5. A summary of the facts that support the allegations that the
15 proposed patient is dangerous, has a persistent or acute disability or a
16 grave disability and is unwilling or unable to be voluntarily evaluated,
17 including the facts that brought the proposed patient to the screening
18 agency's attention.

19 6. If the petition is filed by a prosecutor pursuant to section
20 13-4517, any known criminal history of the proposed patient, including
21 whether the proposed patient has ever been found incompetent to stand
22 trial pursuant to section 13-4510.

23 7. A statement of any facts and circumstances that lead the
24 petitioner to believe that the proposed patient may be safely transported
25 to the evaluation agency by an authorized transporter, if available in the
26 jurisdiction, without the assistance of a peace officer.

27 8. Other information that the director by rule or the court by rule
28 or order may require.

29 B. The petition shall request that the court issue an order
30 requiring that the proposed patient be given an evaluation and shall
31 advise the court of both of the following:

32 1. That the opinion of the petitioner is either that the proposed
33 patient is or is not in such a condition that without immediate or
34 continuing hospitalization the patient is likely to suffer serious
35 physical harm or further deterioration or inflict serious physical harm on
36 another person.

37 2. If the opinion of the petitioner is that the proposed patient is
38 not in the condition described in paragraph 1 of this subsection, that the
39 opinion of the petitioner is either that the evaluation should or should
40 not take place on an outpatient basis.

41 C. The petition for evaluation shall be accompanied by the
42 application for evaluation, by the recommendation of the county attorney
43 pursuant to section 36-521 and by a prepetition screening report, unless
44 the documents have not been prepared under a provision of law or in
45 accordance with an order of the court. The petition for evaluation shall

1 also be accompanied by a copy of the application for emergency admission
2 if one exists.

3 D. A petition and other forms required in a court may be filed only
4 by the screening agency that has prepared the petition.

5 E. If the petition is PREPARED BUT not filed because it has been
6 determined that the person ~~does not need~~ NO LONGER NEEDS an evaluation,
7 the MEDICAL DIRECTOR OF THE agency ~~after a period of six months shall~~
8 ~~destroy~~ SHALL MAKE A WRITTEN STATEMENT OF THE REASONS WHY THE EVALUATION
9 WAS DETERMINED TO BE NO LONGER NECESSARY AND SHALL RETAIN the petition
10 TOGETHER WITH THE MEDICAL DIRECTOR'S STATEMENT and the various reports
11 annexed to the petition as required by this section.

12 F. If the petition is not filed because it has been determined that
13 the person does not need an evaluation and a prosecutor filed a petition
14 pursuant to section 13-4517, the person shall be remanded for a
15 disposition pursuant to section 13-4517. If the person is out of custody,
16 the court may order that the person be taken into custody for a
17 disposition pursuant to this section.

18 Sec. 5. Section 36-524, Arizona Revised Statutes, is amended to
19 read:

20 36-524. Application for emergency admission for evaluation;
21 requirements; immunity

22 A. A written application for emergency admission shall be made to
23 an evaluation agency before a person may be hospitalized in the agency.

24 B. The application for emergency admission shall be made by a
25 person with knowledge of the facts requiring emergency admission. The
26 applicant may be a relative or friend of the person, a peace officer, the
27 admitting officer or another responsible person.

28 C. The application shall be made on a prescribed form and shall
29 include the following:

30 1. A statement by the applicant that the applicant believes that
31 the person, as a result of a mental disorder, is a danger to self or
32 others, ~~or~~ has a persistent or acute disability or a grave
33 disability, ~~and~~ and is unable or unwilling to undergo voluntary evaluation
34 and that during the time necessary to complete the prepetition screening
35 procedures set forth in sections 36-520 and 36-521 the person is likely
36 without immediate hospitalization to suffer serious physical harm or
37 serious illness or is likely to inflict serious physical harm on another
38 person.

39 2. The specific nature of the harm or illness the person is likely
40 to suffer or inflict without immediate hospitalization.

41 3. A summary of the facts that support the statements made by the
42 applicant, including the observations of persons who witnessed the events
43 described in the statements or the behaviors of the person who is the
44 subject of the application.

45 4. The signature of the applicant.

1 D. A telephonic application may be made not more than twenty-four
2 hours before a written application. A telephonic application shall be
3 made by or in the presence of a peace officer unless the application is
4 made by a health care professional who is licensed pursuant to title 32,
5 chapter 13, 15, 17 or 19.1 and who is directly involved with the care of a
6 patient who is in a health care institution licensed in this state. For
7 an application made by a peace officer or a health care professional who
8 is licensed pursuant to title 32, chapter 13, 15, 17 or 19.1, a copy of
9 the application that contains the applicant's original signature is
10 acceptable, does not have to be notarized and may be submitted as the
11 written application.

12 E. If the person to be admitted is not already present at the
13 evaluation agency and if the admitting officer, based on a review of the
14 written or telephonic application and conversation with the applicant and
15 peace officer, has reasonable cause to believe that an emergency
16 examination is necessary, the admitting officer may advise the peace
17 officer that sufficient grounds exist to take the person into custody and
18 to transport the person to the evaluation agency. The peace officer, on
19 the request of the admitting officer of the evaluation agency pursuant to
20 this subsection, shall apprehend and transport the person to the
21 evaluation agency. The admitting officer shall not be held civilly liable
22 for any acts committed by a person whom the admitting officer did not
23 advise to be taken into custody if the admitting officer has in good faith
24 followed the requirements of this section.

25 F. IF THE APPLICATION FOR EMERGENCY ADMISSION IS DENIED, THE
26 APPLICATION SHALL BE RETAINED BY THE EVALUATION AGENCY TOGETHER WITH A
27 WRITTEN STATEMENT BY THE MEDICAL DIRECTOR OF THE EVALUATION AGENCY OR THE
28 DIRECTOR'S DESIGNEE STATING THE SPECIFIC REASONS WHY THE APPLICATION WAS
29 DENIED.

30 Sec. 6. Section 36-527, Arizona Revised Statutes, is amended to
31 read:

32 36-527. Discharge and release; relief from civil liability

33 A. A person taken into custody for emergency admission may not be
34 detained longer than twenty-four hours excluding weekends and holidays
35 following such detention unless a petition for court-ordered evaluation is
36 filed.

37 B. A person admitted for emergency evaluation may be released at
38 any time if, in the opinion of the medical director in charge of the
39 evaluation agency, release is appropriate. The medical director shall not
40 be held civilly liable for any acts committed by a released patient if the
41 medical director has in good faith followed the requirements of this
42 article. The patient may continue care and treatment in the agency if he
43 signs a voluntary application.

44 C. IF A PERSON ADMITTED FOR EMERGENCY EVALUATION IS RELEASED, THE
45 APPLICATION FOR EMERGENCY ADMISSION SHALL BE RETAINED TOGETHER WITH A

1 WRITTEN STATEMENT BY THE MEDICAL DIRECTOR OF THE EVALUATION AGENCY STATING
2 WHY THE RELEASE WAS APPROPRIATE.

3 Sec. 7. Section 36-531, Arizona Revised Statutes, is amended to
4 read:

5 36-531. Evaluation; possible dispositions; release

6 A. A person who is being evaluated on an inpatient basis in an
7 evaluation agency shall be released if, in the opinion of the medical
8 director of the agency, further evaluation is not appropriate unless the
9 person applies for further care and treatment on a voluntary basis.

10 B. If it is determined on an evaluation of the patient's condition
11 that the patient is, as a result of a mental disorder, a danger to self or
12 to others or has a persistent or acute disability or a grave disability,
13 the medical director in charge of the agency that provided the evaluation,
14 unless the person applies for further care and treatment on a voluntary
15 basis, shall prepare, sign and file a petition for court-ordered treatment
16 unless the county attorney performs the functions of preparing, signing or
17 filing the petition as provided in subsection C of this section.

18 C. The agency may contact the county attorney to obtain assistance
19 in preparing the petition for court-ordered treatment, and the agency may
20 request the advice and judgment of the county attorney in reaching a
21 decision as to whether court-ordered treatment is justified.

22 D. A person being evaluated on an inpatient basis in an evaluation
23 agency shall be released within seventy-two hours, excluding weekends and
24 holidays, from the time that the person is hospitalized pursuant to a
25 court order for evaluation, unless the person applies for further care and
26 treatment on a voluntary basis or unless a petition for court-ordered
27 treatment has been filed pursuant to subsection B of this section.

28 E. If a prosecutor filed a petition pursuant to section 13-4517,
29 the medical director of an evaluation agency shall provide notice within
30 twenty-four hours to the court and the prosecuting agency of the medical
31 director's intention to release the person under this section. If the
32 person has been remanded to an evaluation agency pursuant to section
33 13-4517, the evaluation agency shall detain the person for an additional
34 twenty-four hours to allow for the provision of any required notices. The
35 medical director shall provide the patient's records, including medical
36 and treatment records, to the court and the prosecuting agency.

37 F. The administration may conduct jointly with a school district,
38 directly or indirectly, an educational evaluation pursuant to sections
39 15-765 and 15-766 for nonadjudicated youth. The evaluation information
40 may be shared by and among authorized personnel employed by the
41 administration and the department of education, or authorized personnel
42 from the local education agency, for purposes of ensuring the provision of
43 special education and related services as required by the individuals with
44 disabilities education act (20 United States Code sections 1400 through
45 1415).

1 G. IF A PERSON BEING EVALUATED ON AN INPATIENT BASIS IS RELEASED
2 PURSUANT TO THIS SECTION, THE MEDICAL DIRECTOR OF THE EVALUATION AGENCY
3 SHALL MAKE A WRITTEN STATEMENT ON A FORM AND IN A MANNER PRESCRIBED BY THE
4 DIRECTOR STATING WHY FURTHER EVALUATION WAS NOT APPROPRIATE AND WHY
5 RELEASE WAS APPROPRIATE. A COPY OF THIS WRITTEN STATEMENT SHALL BE FILED
6 WITH THE COURT THAT ENTERED THE ORDER FOR COURT-ORDERED EVALUATION TO BE
7 FILED AS A PART OF THE COURT RECORD AND SHALL BE MADE A PART OF THE
8 PATIENT'S MEDICAL RECORD.

9 Sec. 8. Data gap workgroup; report; delayed repeal; definition

10 A. The director of the Arizona health care cost containment system
11 administration shall develop recommendations on opportunities to improve
12 the availability and transparency of information related to members with a
13 serious mental illness designation, including how to facilitate the
14 extraction of data in clinical records for reporting, including:

15 1. Screening, evaluation and services provided under title 36,
16 chapter 5, articles 4 and 5, Arizona Revised Statutes, including
17 information about members receiving services whose court-ordered treatment
18 is not renewed after completion, members receiving amendments to
19 court-ordered treatment and members who were determined to be adherent or
20 not adherent to court-ordered treatment.

21 2. The reasons that members with a serious mental illness
22 designation receiving services from the administration or its contractors
23 are discharged from inpatient psychiatric or residential services.

24 3. Deaths in an incarcerated setting of individuals with a serious
25 mental illness designation, by manner of death.

26 4. Employment status of members with a serious mental illness
27 designation, by supported or not supported employment.

28 B. In the development of these recommendations, the director shall
29 convene and seek the advice of a representative group of stakeholders,
30 including screening, evaluation and treatment agencies, contractors,
31 hospitals and physicians providing behavioral health services, family
32 members and persons who have received screening, evaluation or treatment
33 services pursuant to title 36, chapter 5, article 4 or 5, Arizona Revised
34 Statutes, persons who have or who have had in the past a serious mental
35 illness designation and who have received behavioral health services,
36 attorneys with experience in title 36, chapter 5, Arizona Revised
37 Statutes, or title 13, Arizona Revised Statutes, processes for persons
38 with mental illness, counties and the courts.

39 C. On or before October 1, 2025, the administration shall report to
40 the governor, the president of the senate and the speaker of the house of
41 representatives on the stakeholder recommendations, including any
42 statutory changes necessary to improve the availability of information.

43 D. This section is repealed from and after June 30, 2026.

44 E. For the purposes of this section, "member" has the same meaning
45 prescribed in section 36-2901, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR APRIL 16, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2024.