



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1710

state hospital; governing board; governance

Purpose

Allows petitions for court-ordered treatment in counties with a population of fewer than 500,000 people to be accompanied by one physician and either one physician assistant or nurse practitioner, rather than two physicians.

Background

A physician or other person may file a petition for court-ordered treatment on behalf of a state or county screening, evaluation or mental health treatment agency. The petition must allege: 1) that the patient needs a period of treatment because the patient is a danger to self or to others as a result of a mental disorder, has a persistent or acute disability or has a grave disability; 2) the treatment alternatives are appropriate or available; and 3) that the patient is unwilling to accept or is incapable of accepting treatment voluntarily. The petition must include: 1) a summary of the facts that support the allegations; 2) a request to the court to issue an order requiring the person to undergo a period of treatment; and 3) the affidavits of two physicians and the applicant for the evaluation. In cases of grave disability, the petition must include additional outlined statements and requests. The affidavits must describe in detail the dangerous behavior and be based on the physician's observations of the patient and study of patient information. If a prosecutor filed a petition, the petition must be accompanied by any known criminal history of the person and any previous findings of incompetency (A.R.S. §§ [36-503.01](#) and [36-533](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows, in counties with a population of fewer than 500,000 people, a petition for court-ordered treatment, along with the affidavit of the applicant for the evaluation, to be accompanied by the affidavits of one physician and either one physician assistant or nurse practitioner whose conducted an independent evaluation, rather than by two physicians.
2. Makes technical and conforming changes.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Removes the requirement that there be a legally available funded bed at the Arizona State Hospital (ASH) in order for the director of a local mental health treatment agency assigned to supervise and administer a patient's treatment to request that the court amend the patient's order to place the patient for treatment at ASH.

Amendments Adopted by the House of Representatives

1. Allows, in counties with a population of fewer than 500,000 people, a petition for court-ordered treatment, along with the affidavit of the applicant for the evaluation, to be accompanied by the affidavits of one physician and either one physician assistant or nurse practitioner whose conducted an independent evaluation, rather than by two physicians.
2. Removes the transfer of ASH from the Department of Health Services to an independent governing board and all related changes.
3. Removes the requirement that ASH admit patients based on clinical need for treatment, without any limit on admission based on a patient's county of residence.
4. Reinserts the requirement that there be a legally available funded bed at ASH in order for the director of a local mental health treatment agency, assigned to supervise and administer a patient's treatment, to request that the court amend the patient's order to place the patient for treatment at ASH.
5. Changes the effective date from January 1, 2025, to the general effective date.

Senate Action

HHS 2/14/23 DPA 7-0-0
3rd Read 2/22/23 27-2-1

House Action

HHS 3/13/23 DPA 9-0-0-0
3rd Read 6/13/23 46-12-2

Prepared by Senate Research

June 13, 2023

MM/slp