

House Engrossed Senate Bill

mental health; hearings; audiovisual technology

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **CHAPTER 160**

# **SENATE BILL 1242**

AN ACT

AMENDING SECTIONS 36-501, 36-505, 36-539, 36-540, 36-543 AND 36-550.09,  
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 36-501, Arizona Revised Statutes, is amended to  
3 read:

4 36-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment  
7 system administration.

8 2. "Admitting officer" means a psychiatrist or other physician or  
9 psychiatric and mental health nurse practitioner with experience in  
10 performing psychiatric examinations who has been designated as an  
11 admitting officer of the evaluation agency by the person in charge of the  
12 evaluation agency.

13 3. "Authorized transporter" means a transportation entity that is  
14 contracted with a city, town or county to provide services pursuant to  
15 this chapter and that is either:

16 (a) An ambulance service that holds a valid certificate of  
17 necessity.

18 (b) A transportation provider authorized by this state to provide  
19 safe behavioral health transportation for individuals requiring  
20 transportation pursuant to this chapter.

21 4. "Chief medical officer" means the chief medical officer under  
22 the supervision of the superintendent of the state hospital.

23 5. "Contraindicated" means that access is reasonably likely to  
24 endanger the life or physical safety of the patient or another person.

25 6. "Court" means the superior court in the county in this state in  
26 which the patient resides or was found before screening or emergency  
27 admission under this title.

28 7. "Criminal history" means police reports, lists of prior arrests  
29 and convictions, criminal case pleadings and court orders, including a  
30 determination that the person has been found incompetent to stand trial  
31 pursuant to section 13-4510.

32 8. "Danger to others" means that the judgment of a person who has a  
33 mental disorder is so impaired that the person is unable to understand the  
34 person's need for treatment and as a result of the person's mental  
35 disorder the person's continued behavior can reasonably be expected, on  
36 the basis of competent medical opinion, to result in serious physical  
37 harm.

38 9. "Danger to self":

39 (a) Means behavior that, as a result of a mental disorder:

40 (i) Constitutes a danger of inflicting serious physical harm on  
41 oneself, including attempted suicide or the serious threat thereof, if the  
42 threat is such that, when considered in the light of its context and in  
43 light of the individual's previous acts, it is substantially supportive of  
44 an expectation that the threat will be carried out.

1 (ii) Without hospitalization will result in serious physical harm  
2 or serious illness to the person.

3 (b) Does not include behavior that establishes only the condition  
4 of having a grave disability.

5 10. "Department" means the department of health services.

6 11. "Detention" means the taking into custody of a patient or  
7 proposed patient.

8 12. "Director" means the director of the administration.

9 13. "Evaluation" means:

10 (a) A professional multidisciplinary analysis that may include  
11 firsthand observations or remote observations by interactive audiovisual  
12 media and that is based on data describing the person's identity,  
13 biography and medical, psychological and social conditions carried out by  
14 a group of persons consisting of at least the following:

15 (i) Two licensed physicians who are qualified psychiatrists, if  
16 possible, or at least experienced in psychiatric matters, who shall  
17 examine and report their findings independently. The person against whom a  
18 petition has been filed shall be notified that the person may select one  
19 of the physicians. A psychiatric resident in a training program approved  
20 by the American medical association or by the American osteopathic  
21 association may examine the person in place of one of the psychiatrists if  
22 the resident is supervised in the examination and preparation of the  
23 affidavit and testimony in court by a qualified psychiatrist appointed to  
24 assist in the resident's training, and if the supervising psychiatrist is  
25 available for discussion with the attorneys for all parties and for court  
26 appearance and testimony if requested by the court or any of the  
27 attorneys.

28 (ii) Two other individuals, one of whom, if available, is a  
29 psychologist and in any event a social worker familiar with mental health  
30 and human services that may be available placement alternatives  
31 appropriate for treatment. An evaluation may be conducted on an inpatient  
32 basis, an outpatient basis or a combination of both, and every reasonable  
33 attempt shall be made to conduct the evaluation in any language preferred  
34 by the person.

35 (b) A physical examination that is consistent with the existing  
36 standards of care and that is performed by one of the evaluating  
37 physicians or by or under the supervision of a physician who is licensed  
38 pursuant to title 32, chapter 13 or 17 or a registered nurse practitioner  
39 who is licensed pursuant to title 32, chapter 15 if the results of that  
40 examination are reviewed or augmented by one of the evaluating physicians.

41 14. "Evaluation agency" means either of the following:

42 (a) A health care agency that is licensed by the department and  
43 that has been approved pursuant to this title to provide the services  
44 required of that agency by this chapter.

1 (b) A facility that is exempt from licensure pursuant to section  
2 36-402, that possesses an accreditation from either a national commission  
3 on correctional health care or an American correctional association and  
4 that has been approved pursuant to this title to provide the services  
5 required of that facility by this chapter.

6 15. "Family member" means a spouse, parent, adult child, adult  
7 sibling or other blood relative of a person undergoing treatment or  
8 evaluation pursuant to this chapter.

9 16. "Grave disability" means a condition evidenced by behavior in  
10 which a person, as a result of a mental disorder, is likely to come to  
11 serious physical harm or serious illness because the person is unable to  
12 provide for the person's own basic physical needs.

13 17. "Health care decision maker" has the same meaning prescribed in  
14 section 12-2801.

15 18. "Health care entity" means a health care provider, the  
16 department, the administration or a regional behavioral health authority  
17 that is under contract with the administration.

18 19. "Health care provider" means a health care institution as  
19 defined in section 36-401 that is licensed as a behavioral health provider  
20 pursuant to department rules or a mental health provider.

21 20. "Independent evaluator" means a licensed physician, psychiatric  
22 and mental health nurse practitioner or psychologist who is selected by  
23 the person to be evaluated or by the person's attorney.

24 21. "Informed consent" means a voluntary decision following **THE**  
25 presentation of all facts necessary to form the basis of an intelligent  
26 consent by the patient or guardian with no minimizing of known dangers of  
27 any procedures.

28 22. "Least restrictive treatment alternative" means the treatment  
29 plan and setting that infringe in the least possible degree with the  
30 patient's right to liberty and that are consistent with providing needed  
31 treatment in a safe and humane manner.

32 23. "Licensed physician" means any medical doctor or doctor of  
33 osteopathy who is either:

34 (a) Licensed in this state.

35 (b) A full-time hospital physician licensed in another state and  
36 serving on the staff of a hospital operated or licensed by the United  
37 States government.

38 24. "Medical director of an evaluation agency" means a  
39 psychiatrist, or other licensed physician experienced in psychiatric  
40 matters, who is designated in writing by the governing body of the agency  
41 as the person in charge of the medical services of the agency for the  
42 purposes of this chapter and may include the chief medical officer of the  
43 state hospital.

44 25. "Medical director of a mental health treatment agency" means a  
45 psychiatrist, or other licensed physician experienced in psychiatric

1 matters, who is designated in writing by the governing body of the agency  
2 as the person in charge of the medical services of the agency for the  
3 purposes of this chapter and includes the chief medical officer of the  
4 state hospital.

5 26. "Mental disorder" means a substantial disorder of the person's  
6 emotional processes, thought, cognition or memory. Mental disorder is  
7 distinguished from:

8 (a) Conditions that are primarily those of drug abuse, alcoholism  
9 or intellectual disability, unless, in addition to one or more of these  
10 conditions, the person has a mental disorder.

11 (b) The declining mental abilities that directly accompany  
12 impending death.

13 (c) Character and personality disorders characterized by lifelong  
14 and deeply ingrained antisocial behavior patterns, including sexual  
15 behaviors that are abnormal and prohibited by statute unless the behavior  
16 results from a mental disorder.

17 27. "Mental health provider" means any physician or provider of  
18 mental health or behavioral health services who is involved in evaluating,  
19 caring for, treating or rehabilitating a patient.

20 28. "Mental health treatment agency":

21 (a) Means any of the following:

22 ~~(a)~~ (i) The state hospital.

23 ~~(b)~~ (ii) A health care agency that is licensed by the department  
24 and that provides the services that are required of the agency by this  
25 chapter.

26 ~~(c)~~ (iii) A facility that is exempt from licensure pursuant to  
27 section 36-402, that possesses an accreditation from either a national  
28 commission on correctional health care or an American correctional  
29 association and that provides the services that are required of the  
30 facility by this chapter.

31 (b) DOES NOT INCLUDE A SECURE BEHAVIORAL HEALTH RESIDENTIAL  
32 FACILITY THAT PROVIDES SERVICES ONLY TO PERSONS PLACED IN THE FACILITY  
33 PURSUANT TO A COURT ORDER ISSUED PURSUANT TO SECTION 36-550.09.

34 29. "Outpatient treatment" or "combined inpatient and outpatient  
35 treatment" means any treatment program THAT DOES not ~~requiring~~ REQUIRE  
36 continuous inpatient hospitalization.

37 30. "Outpatient treatment plan" means a treatment plan that does  
38 not require continuous inpatient hospitalization.

39 31. "Patient" means any person who is undergoing examination,  
40 evaluation or behavioral or mental health treatment under this chapter.

41 32. "Peace officers" means sheriffs of counties, constables,  
42 marshals and policemen of cities and towns.

43 33. "Persistent or acute disability" means a severe mental disorder  
44 that meets all the following criteria:

1 (a) Significantly impairs judgment, reason, behavior or capacity to  
2 recognize reality.

3 (b) If not treated, has a substantial probability of causing the  
4 person to suffer or continue to suffer severe and abnormal mental,  
5 emotional or physical harm.

6 (c) Substantially impairs the person's capacity to make an informed  
7 decision regarding treatment, and this impairment causes the person to be  
8 incapable of understanding and expressing an understanding of the  
9 advantages and disadvantages of accepting treatment and understanding and  
10 expressing an understanding of the alternatives to the particular  
11 treatment offered after the advantages, disadvantages and alternatives are  
12 explained to that person.

13 (d) Has a reasonable prospect of being treatable by outpatient,  
14 inpatient or combined inpatient and outpatient treatment.

15 34. "Prepetition screening" means the review of each application  
16 requesting court-ordered evaluation, including an investigation of facts  
17 alleged in the application, an interview with each applicant and an  
18 interview, if possible, with the proposed patient. The purpose of the  
19 interview with the proposed patient is to assess the problem, explain the  
20 application and, when indicated, attempt to persuade the proposed patient  
21 to receive, on a voluntary basis, evaluation or other services.

22 35. "Prescribed form" means a form established by a court or the  
23 rules of the administration in accordance with the laws of this state.

24 36. "Professional" means a physician who is licensed pursuant to  
25 title 32, chapter 13 or 17, a psychologist who is licensed pursuant to  
26 title 32, chapter 19.1 or a psychiatric and mental health nurse  
27 practitioner who is certified pursuant to title 32, chapter 15.

28 37. "Proposed patient" means a person for whom an application for  
29 evaluation has been made or a petition for court-ordered evaluation has  
30 been filed.

31 38. "Prosecuting agency" means the county attorney, attorney  
32 general or city attorney who applied or petitioned for an evaluation or  
33 treatment pursuant to this chapter.

34 39. "Psychiatric and mental health nurse practitioner" means a  
35 registered nurse practitioner as defined in section 32-1601 who has  
36 completed an adult or family psychiatric and mental health nurse  
37 practitioner program and who is certified as an adult or family  
38 psychiatric and mental health nurse practitioner by the state board of  
39 nursing.

40 40. "Psychiatrist" means a licensed physician who has completed  
41 three years of graduate training in psychiatry in a program approved by  
42 the American medical association or the American osteopathic association.

43 41. "Psychologist" means a person who is licensed under title 32,  
44 chapter 19.1 and who is experienced in the practice of clinical  
45 psychology.

1           42. "Records" means all communications that are recorded in any  
2 form or medium and that relate to patient examination, evaluation or  
3 behavioral or mental health treatment. Records include medical records  
4 that are prepared by a health care provider or other providers. Records do  
5 not include:

6           (a) Materials that are prepared in connection with utilization  
7 review, peer review or quality assurance activities, including records  
8 that a health care provider prepares pursuant to section 36-441, 36-445,  
9 36-2402 or 36-2917.

10           (b) Recorded telephone and radio calls to and from a publicly  
11 operated emergency dispatch office relating to requests for emergency  
12 services or reports of suspected criminal activity.

13           43. "Regional behavioral health authority" has the same meaning  
14 prescribed in section 36-3401.

15           44. "Screening agency" means a health care agency that is licensed  
16 by the department and that provides those services required of the agency  
17 by this chapter.

18           45. "Social worker" means a person who has completed two years of  
19 graduate training in social work in a program approved by the council of  
20 social work education and who has experience in mental health.

21           46. "State hospital" means the Arizona state hospital.

22           47. "Superintendent" means the superintendent of the state  
23 hospital.

24           48. "Voluntary evaluation" means the ongoing collection and  
25 analysis of a person's medical, psychological, psychiatric and social  
26 conditions in order to initially determine if a health disorder exists and  
27 if there is a need for behavioral health services and, on an ongoing  
28 basis, to ensure that the person's service plan is designed to meet the  
29 person's and the person's family's current needs and long-term goals.

30           Sec. 2. Section 36-505, Arizona Revised Statutes, is amended to  
31 read:

32           36-505. Rights at hearing; virtual proceedings

33           A. At all hearings conducted pursuant to this chapter, persons  
34 shall have the right to an analysis of their psychological condition by an  
35 independent evaluator.

36           B. IN ANY PROCEEDING HELD PURSUANT TO THIS CHAPTER, THE COURT, ON  
37 ITS OWN OR FOR GOOD CAUSE SHOWN BY A PARTY, MAY ORDER THE HEARING TO BE  
38 CONDUCTED OR MAY ALLOW A WITNESS OR PARTY TO APPEAR AND GIVE TESTIMONY  
39 VIRTUALLY THROUGH THE USE OF TELEPHONE, VIDEOCONFERENCING OR OTHER  
40 AUDIOVISUAL TECHNOLOGY IF THE COURT FINDS THAT THIS PROCEDURE WILL NOT  
41 UNFAIRLY PREJUDICE A PARTY OR WITNESS. IN DETERMINING WHETHER A  
42 PROCEEDING SHOULD BE CONDUCTED WHOLLY OR PARTIALLY WITH THE USE OF  
43 TELEPHONE, VIDEOCONFERENCING OR OTHER AUDIOVISUAL TECHNOLOGY, THE COURT  
44 SHALL CONSIDER THE INCONVENIENCE TO OR BURDEN ON A PARTY OR WITNESS TO  
45 ATTEND THE PROCEEDING IN PERSON AND THE ABILITY OF ALL PARTIES TO BE HEARD

1 BY OTHER PARTIES IN ATTENDANCE, INCLUDING THE JUDICIAL OFFICER AND, IF  
2 APPLICABLE, THE CERTIFIED REPORTER OR AN ELECTRONIC RECORDING SYSTEM. THE  
3 SUPREME COURT MAY ADOPT RULES TO GOVERN THE PROCEDURES TO BE USED IN  
4 CONDUCTING PROCEEDINGS VIRTUALLY PURSUANT TO THIS CHAPTER.

5 Sec. 3. Section 36-539, Arizona Revised Statutes, is amended to  
6 read:

7 36-539. Conduct of hearing; record; transcript

8 A. The medical director of the evaluation agency shall issue  
9 instructions to the physicians or the psychiatric and mental health nurse  
10 practitioner of the evaluation agency who is treating the proposed patient  
11 to take all reasonable precautions to ensure that at the time of the  
12 hearing the proposed patient is not so under the influence of or does not  
13 so suffer the effects of drugs, medication or other treatment as to be  
14 hampered in preparing for or participating in the hearing. If the  
15 proposed patient is being treated as an inpatient by the evaluation  
16 agency, the court at the time of the hearing shall be presented a record  
17 of all drugs, medication or other treatment that the person has received  
18 during the seventy-two hours immediately before the hearing.

19 B. The patient and the patient's attorney shall be present at all  
20 hearings, and the patient's attorney may subpoena and cross-examine  
21 witnesses and present evidence. THE COURT, FOR GOOD CAUSE SHOWN, MAY  
22 ALLOW THE PATIENT, THE PATIENT'S ATTORNEY OR ANY WITNESS TO APPEAR AND  
23 PRESENT TESTIMONY IN OPEN COURT THROUGH THE USE OF TELEPHONE,  
24 VIDEOCONFERENCING OR OTHER AUDIOVISUAL TECHNOLOGY. The patient may choose  
25 to not attend the hearing or the patient's attorney may waive the  
26 patient's presence. The evidence presented by the petitioner or the  
27 patient shall include the testimony of two or more witnesses, regardless  
28 of the witnesses' professional licensure, if any, who observed or were  
29 acquainted with the patient at the time of the alleged mental disorder  
30 before the submission of the current application for evaluation pursuant  
31 to section 36-520 or, if after the submission of the current application,  
32 who were not formal participants in the evaluation process. The testimony  
33 of the witnesses shall be limited to observed facts and may not include  
34 expert opinion or conclusions. The witness testimony may be satisfied by  
35 a statement agreed on by the parties and testimony of the two physicians  
36 or other health professionals who participated in the evaluation of the  
37 patient pursuant to section 36-533, which may be satisfied by stipulating  
38 to the admission of the affidavits as required pursuant to section 36-533,  
39 subsection B. The evaluating physicians or other health professionals  
40 shall testify as to their personal observations of the patient. They  
41 shall also testify as to their opinions concerning whether the patient is,  
42 as a result of mental disorder, a danger to self or to others or has a  
43 persistent or acute disability or a grave disability and as to whether the  
44 patient requires treatment. Such testimony shall state specifically the  
45 nature and extent of the danger to self or to others, the persistent or

1 acute disability or the grave disability. If the patient has a grave  
2 disability, the evaluating physicians or other health professionals shall  
3 testify concerning the need for guardianship or conservatorship, or both,  
4 and whether or not the need is for immediate appointment. Other persons  
5 who have participated in the evaluation of the patient or, if further  
6 treatment was requested by a mental health treatment agency, persons of  
7 that agency who are directly involved in the care of the patient shall  
8 testify at the request of the court or of the patient's attorney.  
9 Witnesses shall testify as to placement alternatives appropriate and  
10 available for the care and treatment of the patient. The clinical record  
11 of the patient for the current admission shall be available and may be  
12 presented in full or in part as evidence at the request of the court, the  
13 county attorney or the patient's attorney.

14 C. If the patient, for medical or psychiatric reasons, is unable to  
15 be present at the hearing and cannot appear by other reasonably feasible  
16 means, the court shall require clear and convincing evidence that the  
17 patient is unable to be present at the hearing and on such a finding may  
18 proceed with the hearing in the patient's absence.

19 D. The requirements of subsection B of this section are in addition  
20 to all rules of evidence and the Arizona rules of civil procedure, not  
21 inconsistent with subsection B of this section.

22 E. A verbatim record of all proceedings under this section shall be  
23 made by stenographic means by a court reporter if a written request for a  
24 court reporter is made by any party to the proceedings at least  
25 twenty-four hours in advance of such proceedings. If stenographic means  
26 are not requested in the manner provided by this subsection, electronic  
27 means shall be directed by the presiding judge. The stenographic notes or  
28 electronic tape shall be retained as provided by statute.

29 F. A patient who has been ordered to undergo treatment may request  
30 a certified transcript of the hearing. To obtain a copy, the patient  
31 shall pay for a transcript or shall file an affidavit that the patient is  
32 without means to pay for a transcript. If the affidavit is found true by  
33 the court, the expense of the transcript is a charge on the county in  
34 which the proceedings were held, or, if an intergovernmental agreement by  
35 the counties has required evaluation in a county other than that of the  
36 patient's residence, such expense may be charged to the county of the  
37 patient's residence or in which the patient was found before evaluation.

38 Sec. 4. Section 36-540, Arizona Revised Statutes, is amended to  
39 read:

40 36-540. Court options; immunity; rules

41 A. If the court finds by clear and convincing evidence that the  
42 proposed patient, as a result of mental disorder, is a danger to self, is  
43 a danger to others or has a persistent or acute disability or a grave  
44 disability and is in need of treatment, and is either unwilling or unable

1 to accept voluntary treatment, the court shall order the patient to  
2 undergo one of the following:

3 1. Treatment in a program of outpatient treatment.

4 2. Treatment in a program consisting of combined inpatient and  
5 outpatient treatment.

6 3. Inpatient treatment in a mental health treatment agency, in a  
7 hospital operated by or under contract with the United States department  
8 of veterans affairs to provide treatment to eligible veterans pursuant to  
9 article 9 of this chapter, in the state hospital or in a private hospital,  
10 if the private hospital agrees, subject to the limitations of section  
11 36-541.

12 B. The court shall consider all available and appropriate  
13 alternatives for the treatment and care of the patient. The court shall  
14 order the least restrictive treatment alternative available.

15 C. The court may order the proposed patient to undergo outpatient  
16 TREATMENT or combined inpatient and outpatient treatment pursuant to  
17 subsection A, paragraph 1 or 2 of this section if the court:

18 1. Determines that all of the following apply:

19 (a) The patient does not require continuous inpatient  
20 hospitalization.

21 (b) The patient will be more appropriately treated in an outpatient  
22 treatment program or in a combined inpatient and outpatient treatment  
23 program.

24 (c) The patient will follow a prescribed outpatient treatment plan.

25 (d) The patient will not likely become dangerous or suffer more  
26 serious physical harm or serious illness or further deterioration if the  
27 patient follows a prescribed outpatient treatment plan.

28 2. Is presented with and approves a written treatment plan that  
29 conforms with the requirements of section 36-540.01, subsection B. ~~If the  
30 court determines that the patient meets the requirements of section  
31 36-550.09, the court may order the patient to be placed in a secure  
32 behavioral health residential facility that is licensed by the department  
33 pursuant to section 36-425.06.~~ If the treatment plan presented to the  
34 court pursuant to this subsection provides for supervision of the patient  
35 under court order by a mental health TREATMENT agency that is other than  
36 the mental health TREATMENT agency that petitioned or requested the county  
37 attorney to petition the court for treatment pursuant to section 36-531,  
38 the treatment plan must be approved by the medical director of the mental  
39 health TREATMENT agency that will supervise the treatment pursuant to  
40 subsection E of this section.

41 D. An order to receive treatment pursuant to subsection A,  
42 paragraph 1 or 2 of this section shall not exceed three hundred sixty-five  
43 days. The period of inpatient treatment under a combined INPATIENT AND  
44 OUTPATIENT treatment order pursuant to subsection A, paragraph 2 of this

1 section shall not exceed the maximum period allowed for an order for  
2 inpatient treatment pursuant to subsection F of this section.

3 E. If the court enters an order for treatment pursuant to  
4 subsection A, paragraph 1 or 2 of this section, all of the following  
5 apply:

6 1. The court shall designate the medical director of the mental  
7 health treatment agency that will supervise and administer the patient's  
8 treatment program.

9 2. The medical director OF THE MENTAL HEALTH TREATMENT AGENCY shall  
10 not use the services of any person, agency or organization to supervise a  
11 patient's outpatient treatment program unless the person, agency or  
12 organization has agreed to provide these services in the individual  
13 patient's case and unless the department has determined that the person,  
14 agency or organization is capable and competent to do so.

15 3. The person, agency or organization assigned to supervise an  
16 outpatient treatment program or the outpatient portion of a combined  
17 INPATIENT AND OUTPATIENT treatment program shall be notified at least  
18 three days before a referral. The medical director OF THE MENTAL HEALTH  
19 TREATMENT AGENCY making the referral and the person, agency or  
20 organization assigned to supervise the treatment program shall share  
21 relevant information about the patient to provide continuity of treatment.

22 4. The court may order the medical director OF THE MENTAL HEALTH  
23 TREATMENT AGENCY to provide notice to the court of any noncompliance with  
24 the terms of a treatment order.

25 5. IF THE COURT DETERMINES THAT THE PATIENT MEETS THE REQUIREMENTS  
26 OF SECTION 36-550.09 AND ORDERS THE PATIENT TO BE PLACED IN A SECURE  
27 BEHAVIORAL HEALTH RESIDENTIAL FACILITY THAT IS LICENSED BY THE DEPARTMENT  
28 PURSUANT TO SECTION 36-425.06, THE MENTAL HEALTH TREATMENT AGENCY THAT  
29 WILL SUPERVISE THE TREATMENT PURSUANT TO THIS SUBSECTION AND THE SECURE  
30 BEHAVIORAL HEALTH RESIDENTIAL FACILITY SHALL COORDINATE THE CARE OF THE  
31 PATIENT PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OR AS REQUIRED BY THE  
32 ADMINISTRATION.

33 ~~5.~~ 6. During any period of outpatient treatment under subsection  
34 A, paragraph 2 of this section, if the court, on its own motion, on  
35 request of a guardian pursuant to paragraph ~~7~~ 8 of this subsection or on  
36 motion by the medical director of the patient's outpatient mental health  
37 treatment facility, determines that the patient is not complying with the  
38 terms of the order or that the outpatient treatment plan is no longer  
39 appropriate and the patient needs inpatient treatment, the court, without  
40 a hearing and based on the court record, the patient's medical record, the  
41 affidavits and recommendations of the medical director OF THE MENTAL  
42 HEALTH TREATMENT AGENCY, and the advice of staff and physicians or the  
43 psychiatric and mental health nurse practitioner familiar with the  
44 treatment of the patient, may enter an order amending its original order.  
45 The amended order may alter the outpatient treatment plan or order the

1 patient to inpatient treatment pursuant to subsection A, paragraph 3 of  
2 this section. The amended order shall not increase the total period of  
3 commitment originally ordered by the court or, when added to the period of  
4 inpatient treatment provided by the original order and any other amended  
5 orders, exceed the maximum period allowed for an order for inpatient  
6 treatment pursuant to subsection F of this section. If the patient  
7 refuses to comply with an amended order for inpatient treatment, the  
8 court, on its own motion or on the request of the medical director **OF THE**  
9 **MENTAL HEALTH TREATMENT AGENCY**, may authorize and direct a peace officer  
10 to take the patient into protective custody and transport the patient to  
11 the **MENTAL HEALTH TREATMENT** agency for inpatient treatment. Any  
12 authorization, directive or order issued to a peace officer to take the  
13 patient into protective custody shall include the patient's criminal  
14 history and the name and telephone numbers of the patient's case manager,  
15 guardian, spouse, next of kin or significant other, as applicable. When  
16 reporting to or being returned to a **MENTAL HEALTH** treatment agency for  
17 inpatient treatment pursuant to an amended order, the patient shall be  
18 informed of the patient's right to judicial review and the patient's right  
19 to consult with counsel pursuant to section 36-546.

20 ~~6.~~ 7. During any period of outpatient treatment under subsection  
21 A, paragraph 2 of this section, if the medical director of the outpatient  
22 treatment facility in charge of the patient's care determines, in concert  
23 with the medical director of an inpatient mental health treatment facility  
24 who has agreed to accept the patient, that the patient is in need of  
25 immediate acute inpatient psychiatric care because of behavior that is  
26 dangerous to self or to others, the medical director of the outpatient  
27 treatment facility may order a peace officer to apprehend and transport  
28 the patient to the inpatient treatment facility pending a court  
29 determination on an amended order under paragraph ~~5~~ 6 of this subsection.  
30 The patient may be detained and treated at the inpatient treatment  
31 facility for a period of not more than forty-eight hours, ~~exclusive of~~  
32 **EXCLUDING** weekends and holidays, from the time that the patient is taken  
33 to the inpatient treatment facility. The medical director of the  
34 outpatient treatment facility shall file the motion for an amended court  
35 order requesting inpatient treatment not later than the next working day  
36 following the patient being taken to the inpatient treatment facility. Any  
37 period of detention within the inpatient treatment facility pending  
38 issuance of an amended order shall not increase the total period of  
39 commitment originally ordered by the court or, when added to the period of  
40 inpatient treatment provided by the original order and any other amended  
41 orders, exceed the maximum period allowed for an order for inpatient  
42 treatment pursuant to subsection F of this section. If a patient is  
43 ordered to undergo inpatient treatment pursuant to an amended order, the  
44 medical director of the outpatient treatment facility shall inform the

1 patient of the patient's right to judicial review and to consult with an  
2 attorney pursuant to section 36-546.

3 ~~7-~~ 8. If there is a court order for treatment and a guardianship  
4 with additional mental health authority pursuant to section 14-5312.01  
5 existing at the same time, the treatment and placement decisions made by  
6 the MENTAL HEALTH treatment agency assigned by the court to supervise and  
7 administer the patient's treatment program pursuant to the court order for  
8 treatment are controlling unless the court orders otherwise. During any  
9 period of outpatient treatment, the guardian of a patient may file a  
10 report with the court that addresses whether the patient is complying with  
11 the terms of the order, whether the outpatient treatment plan is still  
12 appropriate and whether the patient needs inpatient treatment. The report  
13 shall state in detail the facts on which the guardian relies and may  
14 include other supporting documents. A copy of the report and other  
15 supporting documents shall be given to the patient's attorney and the  
16 outpatient MENTAL HEALTH treatment agency. After reviewing the report and  
17 any supporting documents filed with the report, if the court determines  
18 that there is reasonable cause to believe that the patient is not  
19 complying with the terms of the order, that the outpatient treatment plan  
20 is no longer appropriate or that the patient needs inpatient treatment,  
21 the court must set a conference or a hearing or take other action  
22 described in paragraph ~~5-~~ 6 of this subsection.

23 F. The maximum periods of inpatient treatment that the court may  
24 order, subject to the limitations of section 36-541, subsection D, are as  
25 follows:

- 26 1. Ninety days for a person found to be a danger to self.
- 27 2. One hundred eighty days for a person found to be a danger to  
28 others.
- 29 3. One hundred eighty days for a person found to have a persistent  
30 or acute disability.
- 31 4. Three hundred sixty-five days for a person found to have a grave  
32 disability.

33 G. If, on finding that the patient meets the criteria for  
34 court-ordered treatment pursuant to subsection A of this section, the  
35 court also finds that there is reasonable cause to believe that the  
36 patient is an incapacitated person as defined in section 14-5101 or is a  
37 person in need of protection pursuant to section 14-5401 and that the  
38 patient is or may be in need of guardianship or conservatorship, or both,  
39 the court may order an investigation concerning the need for a guardian or  
40 conservator, or both, and may appoint a suitable person or agency to  
41 conduct the investigation. The appointee may include a court-appointed  
42 guardian ad litem, an investigator appointed pursuant to section 14-5308  
43 or the public fiduciary if there is no person willing and qualified to act  
44 in that capacity. The court shall give notice of the appointment to the  
45 appointee within three days after the appointment. The appointee shall

1 submit the report of the investigation to the court within twenty-one  
2 days. The report shall include recommendations as to who should be  
3 guardian or who should be conservator, or both, and a report of the  
4 findings and reasons for the recommendation. If the investigation and  
5 report so indicate, the court shall order the appropriate person to submit  
6 a petition to become the guardian or conservator, or both, of the patient.

7 H. In any proceeding for court-ordered treatment in which the  
8 petition alleges that the patient is in need of a guardian or conservator  
9 and states the grounds for that allegation, the court may appoint an  
10 emergency temporary guardian or conservator, or both, for a specific  
11 purpose or purposes identified in its order and for a specific period of  
12 time not to exceed thirty days if the court finds that all of the  
13 following are true:

14 1. The patient meets the criteria for court-ordered treatment  
15 pursuant to subsection A of this section.

16 2. There is reasonable cause to believe that the patient is an  
17 incapacitated person as defined in section 14-5101 or is in need of  
18 protection pursuant to section 14-5401, paragraph 2.

19 3. The patient does not have a guardian or conservator and the  
20 welfare of the patient requires immediate action to protect the patient or  
21 the ward's property.

22 4. The conditions prescribed pursuant to section 14-5310,  
23 subsection B or section 14-5401.01, subsection B have been met.

24 I. The court may appoint as a temporary guardian or conservator  
25 pursuant to subsection H of this section a suitable person or the public  
26 fiduciary if there is no person qualified and willing to act in that  
27 capacity. The court shall issue an order for an investigation as  
28 prescribed pursuant to subsection G of this section and, unless the  
29 patient is represented by independent counsel, the court shall appoint an  
30 attorney to represent the patient in further proceedings regarding the  
31 appointment of a guardian or conservator. The court shall schedule a  
32 further hearing within fourteen days on the appropriate court calendar of  
33 a court that has authority over guardianship or conservatorship matters  
34 pursuant to this title to consider the continued need for an emergency  
35 temporary guardian or conservator and the appropriateness of the temporary  
36 guardian or conservator appointed, and shall order the appointed guardian  
37 or conservator to give notice to persons entitled to notice pursuant to  
38 section 14-5309, subsection A or section 14-5405, subsection A. The court  
39 shall authorize certified letters of temporary emergency guardianship or  
40 conservatorship to be issued on presentation of a copy of the court's  
41 order. If a temporary emergency conservator other than the public  
42 fiduciary is appointed pursuant to this subsection, the court shall order  
43 that the use of the monies and property of the patient by the conservator  
44 be restricted and not be sold, used, transferred or encumbered, except  
45 that the court may authorize the conservator to use monies or property of

1 the patient specifically identified as needed to pay an expense to provide  
2 for the care, treatment or welfare of the patient pending further hearing.  
3 This subsection and subsection H of this section do not:

4 1. Prevent the evaluation AGENCY or MENTAL HEALTH treatment agency  
5 from seeking guardianship and conservatorship in any other manner allowed  
6 by law at any time during the period of court-ordered evaluation and  
7 treatment.

8 2. Relieve the evaluation AGENCY or MENTAL HEALTH treatment agency  
9 from its obligations concerning the suspected abuse of a vulnerable adult  
10 pursuant to title 46, chapter 4.

11 J. If, on finding that a patient meets the criteria for  
12 court-ordered treatment pursuant to subsection A of this section, the  
13 court also learns that the patient has a guardian appointed under title  
14 14, the court with notice may impose on the existing guardian additional  
15 duties pursuant to section 14-5312.01. If the court imposes additional  
16 duties on an existing guardian as prescribed in this subsection, the court  
17 may determine that the patient needs to continue treatment under a court  
18 order for treatment and may issue the order or determine that the  
19 patient's needs can be adequately met by the guardian with the additional  
20 duties pursuant to section 14-5312.01 and decline to issue the court order  
21 for treatment. If at any time after the issuance of a court order for  
22 treatment the court finds that the patient's needs can be adequately met  
23 by the guardian with the additional duties pursuant to section 14-5312.01  
24 and that a court order for treatment is no longer necessary to ensure  
25 compliance with necessary treatment, the court may terminate the court  
26 order for treatment.

27 K. The court shall file a report as part of the court record on its  
28 findings of alternatives for treatment.

29 L. Treatment shall not include psychosurgery, lobotomy or any other  
30 brain surgery without specific informed consent of the patient or the  
31 patient's legal guardian and an order of the superior court in the county  
32 in which the treatment is proposed, approving with specificity the use of  
33 the treatment.

34 M. The medical director OF A MENTAL HEALTH TREATMENT AGENCY or any  
35 person, agency or organization used by the medical director OF A MENTAL  
36 HEALTH TREATMENT AGENCY to supervise the terms of an outpatient treatment  
37 plan is not civilly liable for any acts committed by a patient while on  
38 outpatient treatment if the medical director OF THE MENTAL HEALTH  
39 TREATMENT AGENCY, person, agency or organization has in good faith  
40 followed the requirements of this section.

41 N. A peace officer who in good faith apprehends and transports a  
42 patient to an inpatient treatment facility on the order of the medical  
43 director of the outpatient treatment facility pursuant to subsection E,  
44 paragraph ~~6~~ 7 of this section is not subject to civil liability.

1           O. If a person has been found, as a result of a mental disorder, to  
2 constitute a danger to self or others or to have a persistent or acute  
3 disability or a grave disability and the court enters an order for  
4 treatment pursuant to subsection A of this section, the court shall  
5 transmit the person's name, sex, date of birth, social security number, if  
6 available, and date of the order for treatment to the supreme court. The  
7 supreme court shall transmit the information to the department of public  
8 safety to comply with the requirements of title 13, chapter 31 and title  
9 32, chapter 26. The department of public safety shall transmit the  
10 information to the national instant criminal background check system. The  
11 superior court may access the information of a person who is ordered into  
12 treatment to enforce or facilitate a treatment order.

13           P. On request, the clerk of the court shall provide certified  
14 copies of the commitment order to a law enforcement or prosecuting agency  
15 that is investigating or prosecuting a prohibited possessor as defined in  
16 section 13-3101.

17           Q. If the court does not find a person to be in need of treatment  
18 and a prosecutor filed a petition pursuant to section 13-4517, the  
19 evaluation agency, within twenty-four hours, shall notify the prosecuting  
20 agency of its finding. The court shall order the medical director **OF THE**  
21 **EVALUATION AGENCY** to detain the person for an additional twenty-four hours  
22 to allow the prosecuting agency to be notified. If the court has retained  
23 jurisdiction pursuant to section 13-4517, subsection C, the court may  
24 remand the person to the custody of the sheriff for further disposition  
25 pursuant to section 13-4517, subsection A, paragraph 2 or 3.

26           R. After an order for treatment has been issued pursuant to this  
27 section, the superior court in a county where a patient under a court  
28 order for treatment is found or resides has concurrent jurisdiction with  
29 the court in the county that issued the court order for treatment for the  
30 purposes of enforcing the court order for treatment, ordering changes to  
31 the treatment plan or amending the order to require the patient to undergo  
32 further inpatient treatment. If the court in which proceedings are  
33 commenced to enforce or administer the order for treatment is not the  
34 court that originally entered the order for treatment, unless prevented by  
35 an emergency, the court in which the proceedings are pending shall consult  
36 with the court of original entry and determine whether to hold hearings  
37 and enter orders to facilitate enforcement or administration of the court  
38 order, whether to refer the case back to the court of original entry for  
39 further proceedings or whether to transfer the entire case to the court of  
40 original entry in that county for all further proceedings. The supreme  
41 court may adopt rules to govern the procedures to be used in enforcing and  
42 administering court orders for treatment in the various counties of this  
43 state and the transfer of cases between counties involving court orders  
44 for treatment.

1 S. Pursuant to the authority granted in subsection R of this  
2 section, for the purpose of enforcing or facilitating treatment of a  
3 patient under an active order for treatment, the supreme court shall adopt  
4 a rule to establish a program to enable the judges of the superior court,  
5 county attorneys, patients' attorneys, health care institutions as defined  
6 in section 36-401 that provide services subject to the emergency medical  
7 treatment and labor act (P.L. 99-272; 100 Stat. 164; 42 United States Code  
8 section 1395dd), the regional behavioral health authority and behavioral  
9 health service providers in any county to determine the existence of an  
10 active court order for treatment and the history of court orders for  
11 treatment entered for a patient by a superior court in any county in this  
12 state. The program shall ensure that the information shared with other  
13 persons or entities is necessary only for the purposes stated in this  
14 subsection and shall require that the information shared be maintained as  
15 confidential by the receiving person or entity.

16 Sec. 5. Section 36-543, Arizona Revised Statutes, is amended to  
17 read:

18 36-543. Annual review; patients with a grave disability or a  
19 persistent or acute disability; notice; court order  
20 for continued treatment; rules; immunity

21 A. Within ninety days before the expiration of a court order for  
22 treatment, the medical director of the mental health treatment agency  
23 shall conduct an annual review of a patient who has been found to have a  
24 grave disability or a persistent or acute disability and who is undergoing  
25 court-ordered treatment to determine whether the continuation of  
26 court-ordered treatment is appropriate and to assess the needs of the  
27 patient for guardianship or conservatorship, or both. The annual review  
28 shall consist of the mental health treatment and clinical records  
29 contained in the patient's treatment file. The mental health treatment  
30 agency shall keep a record of the annual review. If the medical director  
31 OF THE MENTAL HEALTH TREATMENT AGENCY believes that a continuation of  
32 court-ordered treatment is appropriate, the medical director of the mental  
33 health treatment agency shall appoint one or more psychiatrists to carry  
34 out a psychiatric examination of the patient. In any proceeding conducted  
35 pursuant to this section, a patient has the right to have an analysis of  
36 the patient's mental condition by an independent evaluation pursuant to  
37 section 36-538.

38 B. Each examiner participating in the psychiatric examination of  
39 the patient shall submit a report to the medical director of the mental  
40 health treatment agency that includes the following:

41 1. The examiner's opinions as to whether the patient continues to  
42 have a grave disability or a persistent or acute disability as the result  
43 of a mental disorder and be in need of continued court-ordered treatment.  
44 In evaluating the patient's need for continued court-ordered treatment,  
45 the examiner must consider, along with all other evidence, the patient's

1 history before and during the current period of court-ordered treatment,  
2 the patient's compliance with recommended treatment and any other evidence  
3 relevant to the patient's ability and willingness to follow recommended  
4 treatment with or without a court order.

5 2. A statement as to whether suitable alternatives to court-ordered  
6 treatment are available.

7 3. A statement as to whether voluntary treatment would be  
8 appropriate.

9 4. A review of the patient's status as to guardianship or  
10 conservatorship, or both, the adequacy of existing protections of the  
11 patient and the continued need for guardianship or conservatorship, or  
12 both. If the examiner concludes that the patient's needs in these areas  
13 are not being adequately met, the examiner's report shall recommend that  
14 the court order an investigation into the patient's needs.

15 5. If the patient has an existing guardian who does not have the  
16 mental health powers authorized pursuant to section 14-5312.01, a  
17 recommendation as to whether the additional mental health powers  
18 authorized by section 14-5312.01 should be imposed on the existing  
19 guardian and whether the patient's needs can be adequately addressed by a  
20 guardian with mental health powers without the need for a court order for  
21 treatment or whether the court order for treatment should continue  
22 regardless of the additional mental health powers imposed on the guardian.

23 6. The results of any physical examination conducted during the  
24 period of court-ordered treatment if relevant to the psychiatric condition  
25 of the patient.

26 C. After conducting the annual review as prescribed in this  
27 section, if the medical director OF THE MENTAL HEALTH TREATMENT AGENCY  
28 believes that continued court-ordered treatment is necessary or  
29 appropriate, not later than thirty days before the expiration of the court  
30 order for treatment, the medical director OF THE MENTAL HEALTH TREATMENT  
31 AGENCY shall file with the court an application for continued  
32 court-ordered treatment alleging the basis for the application and shall  
33 file simultaneously with the application any psychiatric examination  
34 conducted as part of the annual review. If the patient is under  
35 guardianship, the medical director OF THE MENTAL HEALTH TREATMENT AGENCY  
36 shall mail a copy of the application to the patient's guardian.

37 D. If an application for continued court-ordered treatment is  
38 filed, all of the following apply:

39 1. If the patient does not have an attorney, the court shall  
40 appoint an attorney to represent the patient.

41 2. Within ten days after appointment, an attorney appointed  
42 pursuant to this subsection, to the extent possible, shall fulfill the  
43 duties imposed pursuant to section 36-537, review the ~~medical director's~~  
44 report OF THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY and  
45 the patient's medical records, interview any physician who prepared a

1 report on the annual review and file a response requesting a hearing or  
2 submitting the matter to the court for a ruling based on the record  
3 without a hearing.

4 3. If a hearing is not requested, the court shall rule on the  
5 application or set the matter for hearing. If a hearing is requested, the  
6 hearing shall be held within three weeks after the request for hearing is  
7 filed. The hearing may be continued for good cause on motion of a party or  
8 on the court's own motion, and the expiration of the current court order  
9 for treatment may be extended until a ruling by the court on an  
10 application filed pursuant to this subsection.

11 4. The patient's attorney must be present at all hearings and may  
12 subpoena and cross-examine witnesses and present evidence. The patient  
13 has the right to attend all hearings, but may choose not to attend a  
14 hearing. The patient's attorney may waive the patient's presence after  
15 speaking with the patient and confirming that the patient understands the  
16 right to be present and does not desire to attend. If the patient is  
17 unable to be present at the hearing for medical or psychiatric reasons and  
18 the hearing cannot be conducted where the patient is being treated or  
19 confined, or the patient cannot appear by another reasonably feasible  
20 means, the court shall require clear and convincing evidence that the  
21 patient is unable to be present at the hearing and on such a finding may  
22 proceed with the hearing in the patient's absence.

23 5. The evidence presented by the applicant includes the testimony  
24 of one or more witnesses acquainted with the patient during the period of  
25 court-ordered treatment, which may be satisfied by a statement agreed on  
26 by the parties, and the testimony of any physician who performed an annual  
27 review of the patient, which may be satisfied by stipulating to the  
28 admission of the examining physicians' written report prepared pursuant to  
29 subsection B of this section. The court may waive the need for the  
30 applicant to present the testimony of witnesses acquainted with the  
31 patient as required by this subsection, if it finds that the need for a  
32 continued court order for treatment has been established by clear and  
33 convincing evidence from the other testimony and evidence presented at the  
34 hearing. THE COURT, FOR GOOD CAUSE SHOWN, MAY ALLOW THE PATIENT, THE  
35 PATIENT'S ATTORNEY OR ANY WITNESS TO APPEAR AND PRESENT TESTIMONY IN OPEN  
36 COURT THROUGH THE USE OF TELEPHONE, VIDEOCONFERENCING OR OTHER AUDIOVISUAL  
37 TECHNOLOGY.

38 6. At a hearing held pursuant to this subsection, the court, with  
39 notice, may impose on an existing guardian additional powers pursuant to  
40 section 14-5312.01. If the court finds that the patient's needs can be  
41 adequately met by an existing guardian with the additional powers pursuant  
42 to section 14-5312.01 and that a court order for treatment is not  
43 necessary to ensure compliance with necessary treatment, the court may  
44 terminate the court order for treatment or decline to issue an order  
45 continuing court-ordered treatment. The court may also order an

1 investigation into the need for guardianship or conservatorship, or both,  
2 and may appoint a suitable person or agency to conduct the investigation.  
3 The appointee may include a court-appointed guardian ad litem, a  
4 court-appointed investigator pursuant to section 14-5308 or the public  
5 fiduciary if there is no person willing and qualified to act in that  
6 capacity. The court shall give notice of the appointment to the appointee  
7 within three days after the appointment. The appointee shall submit the  
8 report of the investigation to the court within twenty-one days. The  
9 report shall include recommendations as to who should be guardian or  
10 conservator, or both, and the findings and reasons for the recommendation.  
11 If the investigation and report so indicate, the court may authorize an  
12 appropriate person to file a petition for appointment of a guardian or  
13 conservator for the patient.

14 E. If a hearing is held pursuant to subsection D of this section,  
15 the party seeking the renewal of the court order must prove all of the  
16 following by clear and convincing evidence:

17 1. The patient continues to have a mental disorder and, as a result  
18 of that disorder, has either a persistent or acute disability or a grave  
19 disability.

20 2. The patient is in need of continued court-ordered treatment.

21 3. The patient is either unwilling or unable to accept treatment  
22 voluntarily.

23 F. After a hearing held pursuant to subsection D of this section,  
24 the court may order the patient to be released from court-ordered  
25 treatment or to undergo continued court-ordered treatment for a period not  
26 to exceed the time periods prescribed in section 36-540, subsection D.

27 G. The director shall create and operate a program to ensure that  
28 the examination and review of persons with grave disabilities or  
29 persistent or acute disabilities under court order are carried out in an  
30 effective and timely manner. The director shall adopt rules needed to  
31 operate this program.

32 H. The medical director of the mental health treatment agency is  
33 not civilly liable for any acts committed by the released patient if the  
34 medical director OF THE MENTAL HEALTH TREATMENT AGENCY has in good faith  
35 complied with the requirements of this article.

36 Sec. 6. Section 36-550.09, Arizona Revised Statutes, is amended to  
37 read:

38 36-550.09. Secure behavioral health residential facilities;  
39 court determination; findings

40 A. If a court finds that a patient meets the criteria for  
41 court-ordered treatment pursuant to section 36-540, subsection A, the  
42 court may approve the patient's placement in a secure behavioral health  
43 residential facility that is licensed by the department pursuant to  
44 section 36-425.06 and that is willing to accept the patient if the patient  
45 has been determined to be seriously mentally ill and the court finds that

1 the patient is chronically resistant to treatment as set forth in this  
2 section. Placement in a LICENSED secure behavioral health residential  
3 facility for treatment is not a period of inpatient treatment for the  
4 purposes of section 36-540, subsection F.

5 B. A court may determine that a person is chronically resistant to  
6 treatment if the court finds that, within twenty-four months before the  
7 issuance of a court order pursuant to this section, excluding any time  
8 during this period that the person was hospitalized or incarcerated, the  
9 person demonstrated a persistent or recurrent unwillingness or inability  
10 to participate in or adhere to treatment for a mental disorder despite  
11 having treatment offered, prescribed, recommended or ordered to improve  
12 the person's condition or to prevent a relapse or harmful deterioration of  
13 the person's condition. The court's finding shall be based on evidence  
14 that establishes all of the following by clear and convincing evidence:

15 1. The person received treatment in the preceding twenty-four  
16 months in other less-restrictive settings, including unsecured residential  
17 treatment settings with on-site twenty-four-hour supportive treatment and  
18 supervision by staff with behavioral health training, and the treatment  
19 was unsuccessful or is not likely to be successful due to the person's  
20 expressed or demonstrated unwillingness to cooperate with treatment in  
21 other less-restrictive or unsecured residential treatment settings.

22 2. The person's nonadherence to or nonparticipation in treatment  
23 over the preceding twenty-four months resulted in one or more of the  
24 following:

25 (a) Serious harm to self.

26 (b) Serious harm or threats of serious harm to others.

27 (c) Recurrent periods of homelessness resulting from the mental  
28 disorder.

29 (d) Recurrent serious medical problems due to poor self-care or  
30 failure to follow medical treatment recommendations.

31 (e) Recurrent arrests due to behavior resulting from the mental  
32 disorder.

33 3. Any other evidence relevant to the person's willingness or  
34 ability to participate in and adhere to treatment or the person's need for  
35 treatment in a licensed secure residential setting to ensure the person's  
36 compliance with court-ordered treatment.

37 C. A person's placement in a licensed secure behavioral health  
38 residential facility for treatment shall be part of the written treatment  
39 plan THAT CONFORMS TO THE REQUIREMENTS OF SECTION 36-540.01, SUBSECTION B  
40 AND THAT IS presented to THE COURT BY A MENTAL HEALTH TREATMENT AGENCY and  
41 approved by the court ~~as required by section 36-540, subsection C,~~  
42 ~~paragraph 2.~~ The court shall confirm in the order that the person's  
43 placement in a licensed secure behavioral health residential facility is  
44 the least restrictive environment to ensure the person's compliance with  
45 the treatment plan. THE MENTAL HEALTH TREATMENT AGENCY THAT WILL

1 SUPERVISE THE TREATMENT PURSUANT TO SECTION 36-540, SUBSECTION E AND THE  
2 LICENSED SECURE BEHAVIORAL HEALTH RESIDENTIAL FACILITY SHALL COORDINATE  
3 THE CARE OF THE PATIENT PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OR AS  
4 REQUIRED BY THE ADMINISTRATION.

5 D. A PERSON WHO IS PLACED IN A LICENSED SECURE BEHAVIORAL HEALTH  
6 RESIDENTIAL FACILITY MAY APPEAR AND PRESENT TESTIMONY IN OPEN COURT  
7 THROUGH THE USE OF TELEPHONE, VIDEOCONFERENCING OR OTHER AUDIOVISUAL  
8 TECHNOLOGY PURSUANT TO SECTION 36-505, SUBSECTION B.

9 Sec. 7. Retroactivity

10 Sections 36-501, 36-540 and 36-550.09, Arizona Revised Statutes, as  
11 amended by this act, apply retroactively to from and after April 30, 2025.

APPROVED BY THE GOVERNOR JUNE 19, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 22, 2026.