

House Engrossed

mental health; intensive treatment orders

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2706

AN ACT

AMENDING TITLE 36, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-540.03; RELATING TO COURT-ORDERED TREATMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5, article 5, Arizona Revised
3 Statutes, is amended by adding section 36-540.03, to read:

4 36-540.03. Intensive treatment services; determination of
5 need; order; definition

6 A. THE COURT MAY ENTER AN ORDER FOR INTENSIVE TREATMENT SERVICES AS
7 PRESCRIBED IN THIS SECTION. THE ORDER FOR INTENSIVE TREATMENT SERVICES
8 MAY BE ENTERED BY THE COURT AS AN INITIAL ORDER FOR TREATMENT OR ON
9 ENTERING AN AMENDED OR RENEWED ORDER FOR TREATMENT. AN ORDER FOR
10 INTENSIVE TREATMENT SERVICES SHALL INCORPORATE A WRITTEN INTENSIVE
11 TREATMENT SERVICES PLAN THAT IS APPROVED BY THE COURT, PREPARED BY STAFF
12 WHO ARE FAMILIAR WITH THE PATIENT'S CASE HISTORY AND APPROVED BY THE
13 MEDICAL DIRECTOR OF THE AGENCY OR ORGANIZATION DESIGNATED TO ADMINISTER
14 AND SUPERVISE THE PATIENT'S TREATMENT PROGRAM. THE INTENSIVE TREATMENT
15 SERVICES PLAN SHALL CONFORM WITH THE REQUIREMENTS OF SECTION 36-540.01,
16 SUBSECTION B AND SHALL CONTAIN OTHER SPECIFIC ORDERS FOR INTENSIVE
17 TREATMENT SERVICES.

18 B. THE COURT MAY ENTER AN ORDER FOR INTENSIVE TREATMENT SERVICES IF
19 THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PATIENT HAS BEEN
20 DETERMINED TO BE SERIOUSLY MENTALLY ILL AND IS CHRONICALLY RESISTANT TO
21 TREATMENT.

22 C. A COURT MAY DETERMINE THAT A PERSON IS CHRONICALLY RESISTANT TO
23 TREATMENT IF THE COURT FINDS THAT, WITHIN TWENTY-FOUR MONTHS BEFORE THE
24 ISSUANCE OF A COURT ORDER PURSUANT TO THIS SECTION, EXCLUDING ANY TIME
25 DURING THIS PERIOD THAT THE PERSON WAS HOSPITALIZED OR INCARCERATED, THE
26 PERSON DEMONSTRATED A PERSISTENT OR RECURRENT UNWILLINGNESS OR INABILITY
27 TO PARTICIPATE IN OR ADHERE TO TREATMENT FOR A MENTAL DISORDER DESPITE
28 HAVING TREATMENT OFFERED, PRESCRIBED, RECOMMENDED OR ORDERED TO IMPROVE
29 THE PERSON'S CONDITION OR TO PREVENT A RELAPSE OR HARMFUL DETERIORATION OF
30 THE PERSON'S CONDITION. THE COURT'S FINDING SHALL BE BASED ON EVIDENCE
31 THAT ESTABLISHES ALL OF THE FOLLOWING BY CLEAR AND CONVINCING EVIDENCE:

32 1. THE PERSON RECEIVED TREATMENT IN THE PRECEDING TWENTY-FOUR
33 MONTHS IN COMMUNITY MENTAL HEALTH RESIDENTIAL TREATMENT SERVICES AND
34 FACILITIES, INCLUDING UNSECURED RESIDENTIAL TREATMENT SETTINGS WITH
35 ON-SITE TWENTY-FOUR-HOUR SUPPORTIVE TREATMENT AND SUPERVISION BY STAFF
36 WITH BEHAVIORAL HEALTH TRAINING, AND THE TREATMENT WAS UNSUCCESSFUL OR IS
37 NOT LIKELY TO BE SUCCESSFUL WITHOUT AN INTENSIVE TREATMENT ORDER DUE TO
38 THE PERSON'S EXPRESSED OR DEMONSTRATED UNWILLINGNESS TO COOPERATE WITH
39 TREATMENT.

40 2. THE PERSON'S NONADHERENCE TO OR NONPARTICIPATION IN TREATMENT
41 OVER THE PRECEDING TWENTY-FOUR MONTHS RESULTED IN ONE OR MORE OF THE
42 FOLLOWING:

43 (a) SERIOUS HARM TO SELF.

44 (b) SERIOUS HARM OR THREATS OF SERIOUS HARM TO OTHERS.

1 (c) RECURRENT PERIODS OF HOMELESSNESS RESULTING FROM THE MENTAL
2 DISORDER.

3 (d) RECURRENT SERIOUS MEDICAL PROBLEMS DUE TO POOR SELF-CARE OR
4 FAILURE TO FOLLOW MEDICAL TREATMENT RECOMMENDATIONS.

5 (e) RECURRENT ARRESTS DUE TO BEHAVIOR RESULTING FROM THE MENTAL
6 DISORDER.

7 3. ANY OTHER EVIDENCE RELEVANT TO THE PERSON'S WILLINGNESS OR
8 ABILITY TO PARTICIPATE IN AND ADHERE TO TREATMENT WITHOUT AN INTENSIVE
9 TREATMENT ORDER.

10 D. IF THE COURT ENTERS AN ORDER FOR INTENSIVE TREATMENT SERVICES,
11 THE COURT SHALL ADVISE THE PATIENT ORALLY AND IN WRITING THAT THE
12 INTENSIVE TREATMENT SERVICES PLAN APPROVED BY THE COURT IS PART OF THE
13 COURT ORDER ENFORCEABLE BY THE COURT AND THAT NONCOMPLIANCE WITH THE
14 COURT'S ORDER OR THE TERMS AND CONDITIONS OF THE INTENSIVE TREATMENT
15 SERVICES PLAN MAY RESULT IN THE ISSUANCE OF AN ORDER FOR THE PATIENT TO BE
16 PLACED IN OR RETURNED TO INPATIENT TREATMENT AND AN ORDER FOR A PEACE
17 OFFICER TO DETAIN THE PATIENT FOR THAT PURPOSE. THE COURT SHALL ADVISE
18 THE PATIENT THAT THE COURT MAY SET PERIODIC COMPLIANCE HEARINGS TO ADDRESS
19 THE PATIENT'S COMPLIANCE WITH THE INTENSIVE TREATMENT SERVICES PLAN AND
20 THE SERVICES PROVIDED TO THE PATIENT AND THAT THE INTENSIVE TREATMENT
21 SERVICES PLAN MAY BE CHANGED OR MODIFIED AT ANY SUCH HEARING WHETHER OR
22 NOT THE PATIENT IS PRESENT.

23 E. THE COURT SHALL ORDER THE MEDICAL DIRECTOR OF THE MENTAL HEALTH
24 TREATMENT AGENCY DESIGNATED TO ADMINISTER AND SUPERVISE THE PATIENT'S
25 INTENSIVE TREATMENT SERVICES PLAN TO PROVIDE NOTICE TO THE COURT OF
26 SPECIFIC INSTANCES OF THE PATIENT'S SIGNIFICANT OR PERSISTENT
27 NONCOMPLIANCE WITH THE INTENSIVE TREATMENT SERVICES PLAN AND ORDER THE
28 MEDICAL DIRECTOR TO FILE WRITTEN PROGRESS REPORTS WITH THE COURT AT LEAST
29 EVERY SIXTY DAYS. THE COURT MAY SET A COMPLIANCE HEARING AT TIME
30 DESIGNATED BY THE COURT AND REQUIRE THE PATIENT AND A REPRESENTATIVE OF
31 THE PATIENT'S TREATMENT TEAM TO APPEAR TO ADDRESS THE PATIENT'S COMPLIANCE
32 WITH THE INTENSIVE TREATMENT SERVICES PLAN AND THE SERVICES PROVIDED. THE
33 COURT MAY CHANGE OR MODIFY THE INTENSIVE TREATMENT SERVICES PLAN AT ANY
34 SUCH COMPLIANCE HEARING ON MOTION OF ANY PARTY OR ON THE COURT'S OWN
35 MOTION. THE TREATMENT AGENCY SHALL PROVIDE NOTICE OF THE DATE, TIME AND
36 PLACE OF ANY COMPLIANCE HEARING TO THE PATIENT, THE PATIENT'S ATTORNEY AND
37 THE PATIENT'S GUARDIAN, IF APPLICABLE, AT THE LAST KNOWN ADDRESS PROVIDED
38 TO THE AGENCY BY THOSE PERSONS.

39 F. IN ORDER TO RECEIVE ANY INTENSIVE TREATMENT SERVICES ORDERED BY
40 THE COURT, THE PATIENT SHALL NOT BE REQUIRED BY ANY AGENCY OR PROVIDER TO
41 AGREE OR CONSENT TO THE INTENSIVE TREATMENT SERVICES IF THE COURT
42 SPECIFICALLY FINDS THAT THE PATIENT'S MENTAL DISORDER SIGNIFICANTLY
43 IMPAIRS THE PATIENT'S CAPACITY TO MAKE AN INFORMED DECISION REGARDING
44 TREATMENT.

1 G. FOR THE PURPOSES OF THIS SECTION, "INTENSIVE TREATMENT SERVICES"
2 MEANS SERVICES FOR WHICH THE PATIENT IS ELIGIBLE UNDER THE LAWS OF THIS
3 STATE AND THAT ARE IDENTIFIED IN A WRITTEN INTENSIVE TREATMENT SERVICES
4 PLAN THAT IS APPROVED BY THE COURT AND THAT INCLUDES ALL OF THE FOLLOWING:
5 1. ASSIGNMENT OF THE PATIENT TO A TREATMENT TEAM WITH AN INTENSIVE
6 CASE MANAGER FOR ANY OUTPATIENT SERVICES WHO IS REQUIRED, AMONG OTHER
7 DUTIES:
8 (a) TO HAVE IN-PERSON CONTACT WITH THE PATIENT AT SUCH FREQUENCY
9 THAT WILL FACILITATE THE PATIENT'S ADHERENCE TO AND COMPLIANCE WITH THE
10 TREATMENT PLAN AND WILL ALLOW FOR REGULAR FIRSTHAND ASSESSMENT OF THE
11 PATIENT'S PROGRESS AND CONDITION.
12 (b) TO DESIGNATE A TEAM OF PROFESSIONALS TO ADDRESS THE SPECIFIC
13 NEEDS OF THE PATIENT TO IMPROVE THE PATIENT'S CONDITION AND TO PREVENT A
14 RELAPSE OR HARMFUL DETERIORATION OF THE PATIENT'S CONDITION.
15 2. RESIDENTIAL PLACEMENT THAT PROVIDES THE PATIENT WITH A STABLE,
16 SAFE AND, IF NECESSARY, SECURE RESIDENCE TO ENHANCE COMPLIANCE WITH THE
17 TREATMENT PLAN AND PROTECT THE SAFETY OF THE PATIENT AND THE PUBLIC.
18 3. MEDICALLY NECESSARY NONEMERGENCY TRANSPORTATION TO TRANSPORT THE
19 PATIENT TO AND FROM A COVERED PHYSICAL OR BEHAVIORAL HEALTH SERVICE FOR
20 THE PATIENT TO SUCCESSFULLY COMPLY WITH THE TREATMENT PLAN.
21 4. TREATMENT SERVICES SPECIFIED IN THE INTENSIVE SERVICES TREATMENT
22 PLAN FOR WHICH THE PATIENT IS FOUND TO BE ELIGIBLE THAT ARE DESIGNATED BY
23 THE TREATMENT TEAM AND ORDERED BY THE COURT AND THAT ARE BELIEVED TO BE
24 NECESSARY TO IMPROVE AND PREVENT THE DETERIORATION OF THE PATIENT'S
25 CONDITION AND TO PROTECT THE PATIENT AND THE PUBLIC.