

REFERENCE TITLE: mental health; intensive treatment orders

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

HB 2706

Introduced by
Representatives Hernandez C: Hernandez A, Tsosie

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 PERSON, AGENCY OR ORGANIZATION DESIGNATED TO
14 ADMINISTER AND SUPERVISE THE PATIENT'S TREATMENT PROGRAM. THE INTENSIVE
15 TREATMENT SERVICES PLAN SHALL CONFORM WITH THE REQUIREMENTS OF SECTION
16 36-540.01, SUBSECTION B AND SHALL CONTAIN OTHER SPECIFIC ORDERS FOR
17 INTENSIVE TREATMENT SERVICES.

18 B. THE COURT MAY ENTER AN ORDER FOR INTENSIVE TREATMENT SERVICES IF
19 THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THE PATIENT IS
20 CHRONICALLY RESISTANT TO TREATMENT PURSUANT TO SECTION 36-550.09,
21 SUBSECTION B.

22 C. IF THE COURT ENTERS AN ORDER FOR INTENSIVE TREATMENT SERVICES,
23 THE COURT SHALL ADVISE THE PATIENT ORALLY AND IN WRITING THAT THE
24 INTENSIVE TREATMENT SERVICES PLAN APPROVED BY THE COURT IS PART OF THE
25 COURT ORDER ENFORCEABLE BY THE COURT AND THAT NONCOMPLIANCE WITH THE
26 COURT'S ORDER OR THE TERMS AND CONDITIONS OF THE INTENSIVE TREATMENT
27 SERVICES PLAN MAY RESULT IN THE ISSUANCE OF AN ORDER FOR THE PATIENT TO BE
28 PLACED IN OR RETURNED TO INPATIENT TREATMENT AND AN ORDER FOR A PEACE
29 OFFICER TO DETAIN THE PATIENT FOR THAT PURPOSE. THE COURT SHALL ADVISE
30 THE PATIENT THAT THE COURT MAY SET PERIODIC COMPLIANCE HEARINGS TO ADDRESS
31 THE PATIENT'S COMPLIANCE WITH THE INTENSIVE TREATMENT SERVICES PLAN AND
32 THE SERVICES PROVIDED TO THE PATIENT AND THAT THE INTENSIVE TREATMENT
33 SERVICES PLAN MAY BE CHANGED OR MODIFIED AT ANY SUCH HEARING WHETHER OR
34 NOT THE PATIENT IS PRESENT.

35 D. THE COURT SHALL ORDER THE MEDICAL DIRECTOR OF THE MENTAL HEALTH
36 TREATMENT AGENCY DESIGNATED TO ADMINISTER AND SUPERVISE THE PATIENT'S
37 INTENSIVE TREATMENT SERVICES PLAN TO PROVIDE NOTICE TO THE COURT OF
38 SPECIFIC INSTANCES OF THE PATIENT'S NONCOMPLIANCE WITH THE INTENSIVE
39 TREATMENT SERVICES PLAN AND ORDER THE MEDICAL DIRECTOR TO FILE WRITTEN
40 PROGRESS REPORTS WITH THE COURT AT LEAST EVERY SIXTY DAYS. THE COURT MAY
41 SET A COMPLIANCE HEARING AT TIME DESIGNATED BY THE COURT AND REQUIRE THE
42 PATIENT AND A REPRESENTATIVE OF THE PATIENT'S TREATMENT TEAM TO APPEAR TO
43 ADDRESS THE PATIENT'S COMPLIANCE WITH THE INTENSIVE TREATMENT SERVICES
44 PLAN AND THE SERVICES PROVIDED. THE COURT MAY CHANGE OR MODIFY THE
45 INTENSIVE TREATMENT SERVICES PLAN AT ANY SUCH COMPLIANCE HEARING ON MOTION

1 OF ANY PARTY OR ON THE COURT'S OWN MOTION. THE TREATMENT AGENCY SHALL
2 PROVIDE NOTICE OF THE DATE, TIME AND PLACE OF ANY COMPLIANCE HEARING TO
3 THE PATIENT, THE PATIENT'S ATTORNEY AND THE PATIENT'S GUARDIAN, IF
4 APPLICABLE, AT THE LAST KNOWN ADDRESS PROVIDED TO THE AGENCY BY THOSE
5 PERSONS.

6 E. IN ORDER TO RECEIVE ANY INTENSIVE TREATMENT SERVICES ORDERED BY
7 THE COURT, THE PATIENT MAY NOT BE REQUIRED BY ANY AGENCY OR PROVIDER TO
8 AGREE OR CONSENT TO THE INTENSIVE TREATMENT SERVICES IF THE COURT
9 SPECIFICALLY FINDS THAT THE PATIENT'S MENTAL DISORDER SIGNIFICANTLY
10 IMPAIRS THE PATIENT'S CAPACITY TO MAKE AN INFORMED DECISION REGARDING
11 TREATMENT.

12 F. FOR THE PURPOSES OF THIS SECTION, "INTENSIVE TREATMENT SERVICES"
13 MEANS SERVICES IDENTIFIED IN A WRITTEN INTENSIVE TREATMENT SERVICES PLAN
14 THAT IS APPROVED BY THE COURT AND THAT INCLUDES INFORMATION REGARDING ALL
15 OF THE FOLLOWING:

16 1. ASSIGNMENT OF THE PATIENT TO A TREATMENT TEAM WITH AN INTENSIVE
17 CASE MANAGER FOR ANY OUTPATIENT SERVICES WHO IS REQUIRED, AMONG OTHER
18 DUTIES:

19 (a) TO HAVE IN-PERSON CONTACT WITH THE PATIENT AT SUCH FREQUENCY
20 THAT WILL FACILITATE THE PATIENT'S ADHERENCE TO AND COMPLIANCE WITH THE
21 TREATMENT PLAN AND WILL ALLOW FOR REGULAR FIRSTHAND ASSESSMENT OF THE
22 PATIENT'S PROGRESS AND CONDITION.

23 (b) TO DESIGNATE A TEAM OF PROFESSIONALS TO ADDRESS THE SPECIFIC
24 NEEDS OF THE PATIENT TO IMPROVE THE PATIENT'S CONDITION AND TO PREVENT A
25 RELAPSE OR HARMFUL DETERIORATION OF THE PATIENT'S CONDITION.

26 2. HOUSING OR RESIDENTIAL PLACEMENT THAT PROVIDES THE PATIENT WITH
27 A STABLE, SAFE AND, IF NECESSARY, SECURE RESIDENCE TO ENHANCE COMPLIANCE
28 WITH THE TREATMENT PLAN AND PROTECT THE SAFETY OF THE PATIENT AND THE
29 PUBLIC.

30 3. SAFE, RELIABLE AND ADEQUATE TRANSPORTATION FOR THE PATIENT TO
31 SUCCESSFULLY COMPLY WITH THE TREATMENT PLAN.

32 4. TREATMENT SERVICES SPECIFIED IN THE INTENSIVE SERVICES TREATMENT
33 PLAN FOR WHICH THE PATIENT IS FOUND TO BE ELIGIBLE THAT ARE DESIGNATED BY
34 THE TREATMENT TEAM AND ORDERED BY THE COURT AND THAT ARE BELIEVED TO BE
35 NECESSARY TO IMPROVE AND PREVENT THE DETERIORATION OF THE PATIENT'S
36 CONDITION AND TO PROTECT THE PATIENT AND THE PUBLIC.