

Senate Engrossed

impaired persons; court-ordered stabilization

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1257

AN ACT

AMENDING SECTIONS 36-501 AND 36-526, ARIZONA REVISED STATUTES; AMENDING
TITLE 36, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5;
RELATING TO SUBSTANCE ABUSE.

(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
18 a 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 OR CHAPTER 18, ARTICLE 5 OF THIS
6 TITLE.

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

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

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

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

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

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

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

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

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

35 (a) Licensed in this state.

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

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

1 25. "Medical director of a mental health treatment agency" means a
2 psychiatrist, or other licensed physician experienced in psychiatric
3 matters, who is designated in writing by the governing body of the agency
4 as the person in charge of the medical services of the agency for the
5 purposes of this chapter and includes the chief medical officer of the
6 state hospital.

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

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

13 (b) The declining mental abilities that directly accompany
14 impending death.

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

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

22 28. "Mental health treatment agency" means any of the following:

23 (a) The state hospital.

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

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

32 29. "Outpatient treatment" or "combined inpatient and outpatient
33 treatment" means any treatment program not requiring continuous inpatient
34 hospitalization.

35 30. "Outpatient treatment plan" means a treatment plan that does
36 not require continuous inpatient hospitalization.

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

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

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

43 (a) Significantly impairs judgment, reason, behavior or capacity to
44 recognize reality.

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

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

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

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

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

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

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

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

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

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

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

44 42. "Records" means all communications that are recorded in any
45 form or medium and that relate to patient examination, evaluation or

1 behavioral or mental health treatment. Records include medical records
2 that are prepared by a health care provider or other providers. Records
3 do not include:

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

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

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

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

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

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

20 47. "Superintendent" means the superintendent of the state
21 hospital.

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

28 Sec. 2. Section 36-526, Arizona Revised Statutes, is amended to
29 read:

30 36-526. Emergency admission; examination; petition for
31 court-ordered evaluation

32 A. On presentation of the person for emergency admission, an
33 admitting officer of an evaluation agency shall perform an examination of
34 the person's psychiatric and physical condition and may admit the person
35 to the agency as an emergency patient if the admitting officer finds, as a
36 result of the examination and investigation of the application for
37 emergency admission, that there is reasonable cause to believe that the
38 person, as a result of a mental disorder, is a danger to self or others,
39 has a persistent or acute disability or a grave disability and is unable
40 or unwilling to undergo voluntary evaluation and that during the time
41 necessary to complete the prepetition screening procedures set forth in
42 sections 36-520 and 36-521 the person is likely without immediate
43 hospitalization to suffer serious physical harm or serious illness or to
44 inflict serious physical harm on another person. If a person is
45 hospitalized pursuant to this section, the admitting officer may notify a

1 screening agency and seek its assistance or guidance in developing
2 alternatives to involuntary confinement and in counseling the person and
3 the person's family.

4 B. On the same or a succeeding court day, the medical director in
5 charge of the agency shall file a petition for a court-ordered evaluation,
6 unless the person has been discharged or has become a voluntary patient.
7 The petition need not comply with the provisions of this chapter requiring
8 preparation and filing of a prepetition screening report but shall meet
9 all other requirements and shall seek an appropriate order pursuant to
10 section 36-529.

11 C. IF THE ADMITTING OFFICER, AFTER AN EXAMINATION OR EVALUATION,
12 DETERMINES THAT THE PROPOSED PATIENT IS AN IMPAIRED PERSON AS DEFINED IN
13 SECTION 36-2081, THE ADMITTING OFFICER MAY FILE A PETITION FOR
14 COURT-ORDERED STABILIZATION PURSUANT TO SECTION 36-2083.

15 Sec. 3. Title 36, chapter 18, Arizona Revised Statutes, is amended
16 by adding article 5, to read:

17 ARTICLE 5. INVOLUNTARY STABILIZATION

18 36-2081. Definitions

19 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

20 1. "ADMINISTRATION" MEANS THE ARIZONA HEALTH CARE COST CONTAINMENT
21 SYSTEM ADMINISTRATION.

22 2. "ADMITTING OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION
23 36-501.

24 3. "CHIEF MEDICAL OFFICER" MEANS THE CHIEF MEDICAL OFFICER OF AN
25 EVALUATION AGENCY.

26 4. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

27 5. "DETAIN" MEANS TO INVOLUNTARY ADMIT A PATIENT, PROPOSED PATIENT
28 OR IMPAIRED PERSON TO AN EVALUATION AGENCY.

29 6. "EVALUATION AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 36-501.

31 7. "IMPAIRED PERSON" MEANS AN INDIVIDUAL WHO, AS A RESULT OF
32 INTOXICATION, WITHDRAWAL OR SUBSTANCE-INDUCED SYMPTOMS, HAS IMPAIRED
33 JUDGMENT CAUSING THE INDIVIDUAL TO BE INCAPABLE OF MAKING OR COMMUNICATING
34 RATIONAL DECISIONS WITH REGARD TO THE INDIVIDUAL'S SAFETY, HEALTH OR BASIC
35 PERSONAL NEEDS, SUCH AS FOOD, CLOTHING, SHELTER OR MEDICAL CARE.

36 8. "PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER" HAS THE SAME
37 MEANING PRESCRIBED IN SECTION 36-501.

38 9. "PSYCHIATRIST" HAS THE SAME MEANING AS PRESCRIBED IN SECTION
39 36-501.

40 10. "STABILIZATION PERIOD" MEANS THE TIME PERIOD FOR WHICH AN
41 IMPAIRED PERSON MAY BE ADMITTED INVOLUNTARILY TO AN EVALUATION AGENCY FOR
42 THE PURPOSES OF ALLOWING THE EFFECTS OF SUBSTANCES TO RESOLVE SUCH THAT
43 THE PERSON NO LONGER MEETS THE DEFINITION OF IMPAIRED PERSON.

1 36-2082. Impaired persons: civil and legal rights

2 AN IMPAIRED PERSON WHO IS INVOLUNTARILY ADMITTED FOR A STABILIZATION
3 PERIOD PURSUANT TO THIS ARTICLE HAS ALL OF THE CIVIL AND LEGAL RIGHTS
4 ENUMERATED IN CHAPTER 5, ARTICLE 2 OF THIS TITLE.

5 36-2083. Petition for court-ordered stabilization

6 A. A PETITION FOR COURT-ORDERED STABILIZATION MAY BE FILED BY AN
7 ADMITTING OFFICER BASED ON A PERSONAL ASSESSMENT AND REVIEW OF AN
8 INDIVIDUAL'S MEDICAL RECORD AND MUST BE ACCOMPANIED BY AN AFFIDAVIT FROM
9 THE ADMITTING OFFICER DETAILING ALL OF THE FOLLOWING:

10 1. THAT THE INDIVIDUAL IS AN IMPAIRED PERSON AND THE CLINICAL FACTS
11 THAT SUPPORT THAT CONCLUSION.

12 2. THAT THE INDIVIDUAL IS EITHER UNABLE OR UNWILLING TO CONSENT TO
13 VOLUNTARY ADMISSION.

14 3. THE REASONS WHY DISCHARGING THE INDIVIDUAL WOULD BE UNSAFE.

15 4. THE REASONS WHY PROCEEDINGS UNDER CHAPTER 5 OF THIS TITLE ARE
16 INAPPROPRIATE.

17 5. THE DATE THE INDIVIDUAL WAS INITIALLY INVOLUNTARILY ADMITTED TO
18 THE EVALUATION AGENCY PURSUANT TO CHAPTER 5 OF THIS TITLE.

19 B. THE PETITION FOR COURT-ORDERED STABILIZATION SHALL REQUEST THAT
20 THE COURT ISSUE AN ORDER ADMITTING THE IMPAIRED PERSON TO THE EVALUATION
21 AGENCY FOR A STABILIZATION PERIOD OF NOT MORE THAN FIVE CALENDAR DAYS
22 AFTER THE DATE THE INDIVIDUAL WAS INVOLUNTARILY ADMITTED TO THE EVALUATION
23 AGENCY PURSUANT TO CHAPTER 5 OF THIS TITLE.

24 C. A PETITION FOR COURT-ORDERED STABILIZATION MAY NOT BE FILED
25 SOLELY TO DETAIN AN INDIVIDUAL WHO IS AT RISK OF USING SUBSTANCES BUT WHO
26 IS NOT CURRENTLY INTOXICATED, IN WITHDRAWAL OR HAVING SUBSTANCE-INDUCED
27 SYMPTOMS.

28 36-2084. Order for stabilization period; duty of counsel;
29 personal service

30 A. IF THE COURT, AFTER REVIEWING THE PETITION FOR COURT-ORDERED
31 STABILIZATION, DETERMINES THAT INSUFFICIENT EVIDENCE HAS BEEN PRESENTED TO
32 FIND THAT THE INDIVIDUAL IS AN IMPAIRED PERSON, THE COURT SHALL DENY THE
33 PETITION FOR COURT-ORDERED STABILIZATION AND THE EVALUATION AGENCY SHALL
34 IMMEDIATE RELEASE THE IMPAIRED PERSON.

35 B. IF THE COURT, AFTER REVIEWING THE PETITION FOR COURT-ORDERED
36 STABILIZATION, DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT
37 THE INDIVIDUAL IS AN IMPAIRED PERSON, THE COURT SHALL GRANT THE PETITION
38 FOR COURT-ORDERED STABILIZATION FOR A PERIOD OF NOT MORE THAN FIVE
39 CALENDAR DAYS AFTER THE DATE THE IMPAIRED PERSON WAS INVOLUNTARILY
40 ADMITTED TO THE EVALUATION AGENCY PURSUANT TO CHAPTER 5 OF THIS TITLE.

41 C. THE COURT SHALL APPOINT COUNSEL FOR THE IMPAIRED PERSON AT THE
42 TIME OF ISSUING THE ORDER FOR STABILIZATION. AN ATTORNEY WHO IS APPOINTED
43 TO REPRESENT THE IMPAIRED PERSON SHALL CONFER WITH THE IMPAIRED PERSON
44 WITHIN TWENTY-FOUR HOURS AFTER APPOINTMENT AND INFORM THE IMPAIRED PERSON
45 OF THE PERSON'S RIGHTS.

1 D. A COPY OF ANY ORDER ISSUED BY THE COURT PURSUANT TO THIS
2 SECTION, TOGETHER WITH A COPY OF THE PETITION FOR COURT-ORDERED
3 STABILIZATION, SHALL BE PERSONALLY SERVED ON THE IMPAIRED PERSON AS
4 PRESCRIBED BY LAW OR COURT RULE OR AS ORDERED BY THE COURT.

5 E. IF AN IMPAIRED PERSON IS INVOLUNTARILY DETAINED FOR
6 STABILIZATION, THE IMPAIRED PERSON SHALL BE INFORMED BY THE IMPAIRED
7 PERSON'S APPOINTED ATTORNEY OF THE RIGHT TO A HEARING TO DETERMINE WHETHER
8 THE IMPAIRED PERSON SHOULD BE INVOLUNTARILY DETAINED FOR STABILIZATION AND
9 TO BE REPRESENTED AT THE HEARING BY AN ATTORNEY. IF THE IMPAIRED PERSON
10 REQUESTS A HEARING TO DETERMINE WHETHER THE IMPAIRED PERSON SHOULD BE
11 INVOLUNTARILY DETAINED FOR STABILIZATION, THE COURT SHALL SCHEDULE A
12 HEARING AT ITS EARLIEST OPPORTUNITY.

13 36-2085. Duty of evaluation agency

14 A. EACH DAY THAT AN IMPAIRED PERSON IS DETAINED UNDER AN ORDER FOR
15 STABILIZATION THE IMPAIRED PERSON MUST BE OFFERED TREATMENT FOR THE
16 IMPAIRED PERSON'S IMPAIRMENT TO WHICH THEY MAY CONSENT. THE IMPAIRED
17 PERSON MAY NOT BE TREATED FOR IMPAIRMENT WITHOUT THE IMPAIRED PERSON'S
18 EXPRESS CONSENT, EXCEPT THAT SECLUSION AND MECHANICAL OR PHARMACOLOGICAL
19 RESTRAINTS MAY BE EMPLOYED AS EMERGENCY MEASURES FOR THE SAFETY OF THE
20 IMPAIRED PERSON OR OTHERS PURSUANT TO SECTION 36-2087.

21 B. THE EVALUATION AGENCY SHALL ASSESS THE IMPAIRED PERSON EACH DAY
22 TO DETERMINE WHETHER THE PERSON REMAINS IMPAIRED. IF THE PERSON NO LONGER
23 MEETS THE DEFINITION OF AN IMPAIRED PERSON, THE EVALUATION AGENCY SHALL
24 EITHER RELEASE THE PERSON FROM THE COURT-ORDERED STABILIZATION PERIOD AND
25 DISCHARGE THE PERSON FROM THE FACILITY OR ADMIT THE PERSON TO THE
26 EVALUATION AGENCY ON A VOLUNTARY BASIS.

27 C. THE EVALUATION AGENCY SHALL COMPLY WITH THE QUALITY OF TREATMENT
28 PROVISIONS PRESCRIBED IN SECTION 36-2086, AS APPLICABLE.

29 36-2086. Quality of treatment; clinical records; postrelease
30 plan of care

31 A. SUBJECT TO THE RIGHT TO REFUSE PSYCHIATRIC AND MEDICAL TREATMENT
32 PURSUANT TO SECTIONS 36-512 AND 36-513 AND PURSUANT TO RULES OF THE
33 ADMINISTRATION, EACH IMPAIRED PERSON UNDERGOING STABILIZATION CARE
34 PURSUANT TO THIS ARTICLE SHALL RECEIVE PHYSICAL CARE AND TREATMENT THAT IS
35 DELIVERED IN A MANNER THAT ALLOWS THE IMPAIRED PERSON'S FAMILY MEMBERS OR
36 GUARDIAN, IF APPLICABLE, TO PARTICIPATE IN THE CARE AND TREATMENT, WHEN
37 APPROPRIATE, FOR THE FULL PERIOD THE IMPAIRED PERSON IS DETAINED. THE
38 EVALUATION AGENCY PROVIDING CARE AND TREATMENT SHALL KEEP A CLINICAL
39 RECORD FOR EACH IMPAIRED PERSON THAT DETAILS ALL MEDICAL EVALUATIONS AND
40 ALL CARE AND TREATMENT RECEIVED BY THE IMPAIRED PERSON.

41 B. AN EVALUATION AGENCY ADMINISTERING OBSERVATION OR INPATIENT
42 STABILIZATION CARE AND TREATMENT, IN CONJUNCTION WITH THE COMMUNITY
43 TREATMENT AGENCY, IF APPLICABLE, AND BEFORE THE RELEASE OF AN IMPAIRED
44 PERSON, SHALL PREPARE A PLAN FOR THE IMPAIRED PERSON'S CARE AFTER RELEASE

1 AND SHALL PROVIDE THE PLAN TO THE IMPAIRED PERSON'S GUARDIAN, IF
2 APPLICABLE.

3 36-2087. Seclusion; restraint; treatment

4 AN IMPAIRED PERSON UNDERGOING STABILIZATION PURSUANT TO THIS ARTICLE
5 SHALL NOT BE SUBJECTED TO SECLUSION OR MECHANICAL OR PHARMACOLOGICAL
6 RESTRAINTS EXCEPT IN THE CASE OF AN EMERGENCY FOR THE SAFETY OF THE
7 IMPAIRED PERSON OR OTHERS OR AS A PART OF A WRITTEN PLAN FOR THE
8 STABILIZATION OF THE IMPAIRED PERSON THAT IS PREPARED BY STAFF MEMBERS
9 RESPONSIBLE FOR THE IMPAIRED PERSON'S CARE AND PURSUANT TO RULES ADOPTED
10 BY THE DEPARTMENT. ANY INSTANCE OF SECLUSION OR RESTRAINT MUST BE
11 PROPERLY RECORDED IN THE IMPAIRED PERSON'S MEDICAL RECORD. THE USE OF ANY
12 RESTRAINT OR SECLUSION MEASURE SHALL BE GOVERNED BY WRITTEN PROCEDURES OF
13 THE EVALUATION AGENCY CARING FOR THE IMPAIRED PERSON AND IS SUBJECT TO THE
14 RULES OF THE DEPARTMENT.

15 36-2088. Maximum time of stabilization period; chief medical
16 officer; discharge; release; immunity

17 A. AN IMPAIRED PERSON WHO IS UNDERGOING A COURT-ORDERED
18 STABILIZATION PERIOD MAY NOT BE DETAINED FOR MORE THAN FIVE CALENDAR DAYS
19 AFTER THE DATE THE IMPAIRED PERSON WAS INVOLUNTARILY ADMITTED TO THE
20 EVALUATION AGENCY.

21 B. AN IMPAIRED PERSON WHO IS ADMITTED FOR A STABILIZATION PERIOD
22 MAY BE RELEASED AT ANY TIME IF IN THE OPINION OF THE CHIEF MEDICAL OFFICER
23 RELEASE IS APPROPRIATE. THE CHIEF MEDICAL OFFICER IS NOT CIVILLY LIABLE
24 FOR ANY ACT COMMITTED BY A RELEASED PERSON IF THE CHIEF MEDICAL OFFICER
25 HAS IN GOOD FAITH FOLLOWED THE REQUIREMENTS OF THIS ARTICLE. THE PERSON
26 MAY CONTINUE CARE AND TREATMENT ON A VOLUNTARY BASIS AT ANY TIME AND MUST
27 BE PROVIDED THE OPPORTUNITY FOR VOLUNTARY ADMISSION EACH DAY.

28 C. IF AN IMPAIRED PERSON WHO IS ADMITTED FOR A STABILIZATION PERIOD
29 IS RELEASED, THE PETITION FOR COURT-ORDERED STABILIZATION MUST BE RETAINED
30 TOGETHER WITH A WRITTEN STATEMENT BY THE CHIEF MEDICAL OFFICER STATING THE
31 REASON THE RELEASE WAS APPROPRIATE.

32 36-2089. County attorney; duties

33 WHEN A PHYSICIAN OR OTHER PERSON FILES A PETITION FOR COURT-ORDERED
34 STABILIZATION ON BEHALF OF AN EVALUATION AGENCY, THE COUNTY ATTORNEY FOR
35 THE COUNTY IN WHICH THE PROCEEDING IS INITIATED SHALL REPRESENT THE PERSON
36 WHO FILED THE PETITION OR THE EVALUATION AGENCY IN ANY JUDICIAL PROCEEDING
37 FOR COURT-ORDERED STABILIZATION AND SHALL DEFEND ALL CHALLENGES TO THE
38 DETENTION.

39 36-2090. Costs; financial responsibility

40 A. THE COSTS OF THE COURT PROCEEDINGS AND SERVICES PROVIDED UNDER
41 THIS ARTICLE SHALL BE CHARGED TO THE ADMINISTRATION OR, IF AVAILABLE, TO
42 ANOTHER THIRD-PARTY PAYOR. THE IMPAIRED PERSON MAY NOT BE CHARGED FOR
43 SERVICES PROVIDED UNDER THIS ARTICLE.

44 B. AN EVALUATION AGENCY IS NOT FINANCIALLY RESPONSIBLE FOR SERVING
45 THE DOCUMENTS REQUIRED BY SECTION 36-2084, SUBSECTION D.