

REFERENCE TITLE: mental health evaluations; health professionals

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2436

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 36-501 AND 36-543, ARIZONA REVISED STATUTES; RELATING TO
MENTAL HEALTH CARE.

(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~~ OF
42 ATTEMPTED SUICIDE, if the threat is such that, when considered in the
43 light of its context and in light of the individual's previous acts, it is
44 substantially supportive of an expectation that the threat will be carried
45 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. IN A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED
28 THOUSAND PERSONS, THE EVALUATION MAY BE PERFORMED BY ONE PHYSICIAN AND
29 EITHER ONE PHYSICIAN ASSISTANT WHO IS EXPERIENCED IN PSYCHIATRIC MATTERS
30 OR ONE PSYCHIATRIC AND MENTAL HEALTH NURSE PRACTITIONER WHO SHALL EXAMINE
31 AND REPORT THEIR FINDINGS INDEPENDENTLY.

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

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

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

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

5 (b) A facility that is exempt from licensure pursuant to section
6 36-402, that possesses an accreditation from either a national commission
7 on correctional health care or an American correctional association and
8 that has been approved pursuant to this title to provide the services
9 required of that facility by this chapter.

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

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

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

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

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

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

28 21. "Informed consent" means a voluntary decision following [THE](#)
29 presentation of all facts necessary to form the basis of an intelligent
30 consent by the patient or guardian with no minimizing of known dangers of
31 any procedures.

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

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

38 (a) Licensed in this state.

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

42 24. "Medical director of an evaluation agency" means a
43 psychiatrist, or other licensed physician experienced in psychiatric
44 matters, who is designated in writing by the governing body of the agency
45 as the person in charge of the medical services of the agency for the

1 purposes of this chapter and may include the chief medical officer of the
2 state hospital.

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

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

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

15 (b) The declining mental abilities that directly accompany
16 impending death.

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

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

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

25 (a) The state hospital.

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

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

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.

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

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

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

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

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

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

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

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

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

Sec. 2. Section 36-543, Arizona Revised Statutes, is amended to read:

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

A. Within ninety days before the expiration of a court order for treatment, the medical director of the mental health treatment agency shall conduct an annual review of a patient who has been found to have a grave disability or a persistent or acute disability and who is undergoing court-ordered treatment to determine whether the continuation of court-ordered treatment is appropriate and to assess the needs of the patient for guardianship or conservatorship, or both. The annual review shall consist of the mental health treatment and clinical records contained in the patient's treatment file. The mental health treatment agency shall keep a record of the annual review. If the medical director OF THE MENTAL HEALTH TREATMENT AGENCY believes that a continuation of

1 court-ordered treatment is appropriate, the medical director of the mental
2 health treatment agency shall appoint one or more psychiatrists to carry
3 out a psychiatric examination of the patient. IN A COUNTY WITH A
4 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS, IF NO PSYCHIATRIST
5 OR PHYSICIAN WHO IS EXPERIENCED IN PSYCHIATRIC MATTERS IS AVAILABLE, THE
6 PSYCHIATRIC EXAMINATION OF THE PATIENT MAY BE PERFORMED BY A PHYSICIAN
7 ASSISTANT WHO IS EXPERIENCED IN PSYCHIATRIC MATTERS OR BY A PSYCHIATRIC
8 AND MENTAL HEALTH NURSE PRACTITIONER. In any proceeding conducted
9 pursuant to this section, a patient has the right to have an analysis of
10 the patient's mental condition by an independent evaluation pursuant to
11 section 36-538.

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

15 1. The examiner's opinions as to whether the patient continues to
16 have a grave disability or a persistent or acute disability as the result
17 of a mental disorder and be in need of continued court-ordered treatment.
18 In evaluating the patient's need for continued court-ordered treatment,
19 the examiner must consider, along with all other evidence, the patient's
20 history before and during the current period of court-ordered treatment,
21 the patient's compliance with recommended treatment and any other evidence
22 relevant to the patient's ability and willingness to follow recommended
23 treatment with or without a court order.

24 2. A statement as to whether suitable alternatives to court-ordered
25 treatment are available.

26 3. A statement as to whether voluntary treatment would be
27 appropriate.

28 4. A review of the patient's status as to guardianship or
29 conservatorship, or both, the adequacy of existing protections of the
30 patient and the continued need for guardianship or conservatorship, or
31 both. If the examiner concludes that the patient's needs in these areas
32 are not being adequately met, the examiner's report shall recommend that
33 the court order an investigation into the patient's needs.

34 5. If the patient has an existing guardian who does not have the
35 mental health powers authorized pursuant to section 14-5312.01, a
36 recommendation as to whether the additional mental health powers
37 authorized by section 14-5312.01 should be imposed on the existing
38 guardian and whether the patient's needs can be adequately addressed by a
39 guardian with mental health powers without the need for a court order for
40 treatment or whether the court order for treatment should continue
41 regardless of the additional mental health powers imposed on the guardian.

42 6. The results of any physical examination conducted during the
43 period of court-ordered treatment if relevant to the psychiatric condition
44 of the patient.

1 C. After conducting the annual review as prescribed in this
2 section, if the medical director OF THE MENTAL HEALTH TREATMENT AGENCY
3 believes that continued court-ordered treatment is necessary or
4 appropriate, not later than thirty days before the expiration of the court
5 order for treatment, the medical director OF THE MENTAL HEALTH TREATMENT
6 AGENCY shall file with the court an application for continued
7 court-ordered treatment alleging the basis for the application and shall
8 file simultaneously with the application any psychiatric examination
9 conducted as part of the annual review. If the patient is under
10 guardianship, the medical director OF THE MENTAL HEALTH TREATMENT AGENCY
11 shall mail a copy of the application to the patient's guardian.

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

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

16 2. Within ten days after appointment, an attorney appointed
17 pursuant to this subsection, to the extent possible, shall fulfill the
18 duties imposed pursuant to section 36-537, review the ~~medical director's~~
19 report OF THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY and
20 the patient's medical records, interview any physician who prepared a
21 report on the annual review and file a response requesting a hearing or
22 submitting the matter to the court for a ruling based on the record
23 without a hearing.

24 3. If a hearing is not requested, the court shall rule on the
25 application or set the matter for hearing. If a hearing is requested, the
26 hearing shall be held within three weeks after the request for hearing is
27 filed. The hearing may be continued for good cause on motion of a party
28 or on the court's own motion, and the expiration of the current court
29 order for treatment may be extended until a ruling by the court on an
30 application filed pursuant to this subsection.

31 4. The patient's attorney must be present at all hearings and may
32 subpoena and cross-examine witnesses and present evidence. The patient
33 has the right to attend all hearings, but may choose not to attend a
34 hearing. The patient's attorney may waive the patient's presence after
35 speaking with the patient and confirming that the patient understands the
36 right to be present and does not desire to attend. If the patient is
37 unable to be present at the hearing for medical or psychiatric reasons and
38 the hearing cannot be conducted where the patient is being treated or
39 confined, or the patient cannot appear by another reasonably feasible
40 means, the court shall require clear and convincing evidence that the
41 patient is unable to be present at the hearing and on such a finding may
42 proceed with the hearing in the patient's absence.

43 5. The evidence presented by the applicant includes the testimony
44 of one or more witnesses acquainted with the patient during the period of
45 court-ordered treatment, which may be satisfied by a statement agreed on

1 by the parties, and the testimony of any physician who performed an annual
2 review of the patient, which may be satisfied by stipulating to the
3 admission of the examining physicians' written report prepared pursuant to
4 subsection B of this section. The court may waive the need for the
5 applicant to present the testimony of witnesses acquainted with the
6 patient as required by this subsection, if it finds that the need for a
7 continued court order for treatment has been established by clear and
8 convincing evidence from the other testimony and evidence presented at the
9 hearing.

10 6. At a hearing held pursuant to this subsection, the court, with
11 notice, may impose on an existing guardian additional powers pursuant to
12 section 14-5312.01. If the court finds that the patient's needs can be
13 adequately met by an existing guardian with the additional powers pursuant
14 to section 14-5312.01 and that a court order for treatment is not
15 necessary to ensure compliance with necessary treatment, the court may
16 terminate the court order for treatment or decline to issue an order
17 continuing court-ordered treatment. The court may also order an
18 investigation into the need for guardianship or conservatorship, or both,
19 and may appoint a suitable person or agency to conduct the investigation.
20 The appointee may include a court-appointed guardian ad litem, a
21 court-appointed investigator pursuant to section 14-5308 or the public
22 fiduciary if there is no person willing and qualified to act in that
23 capacity. The court shall give notice of the appointment to the appointee
24 within three days after the appointment. The appointee shall submit the
25 report of the investigation to the court within twenty-one days. The
26 report shall include recommendations as to who should be guardian or
27 conservator, or both, and the findings and reasons for the recommendation.
28 If the investigation and report so indicate, the court may authorize an
29 appropriate person to file a petition for appointment of a guardian or
30 conservator for the patient.

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

34 1. The patient continues to have a mental disorder and, as a result
35 of that disorder, has either a persistent or acute disability or a grave
36 disability.

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

38 3. The patient is either unwilling or unable to accept treatment
39 voluntarily.

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

44 G. The director shall create and operate a program to ensure that
45 the examination and review of persons with grave disabilities or

1 persistent or acute disabilities under court order are carried out in an
2 effective and timely manner. The director shall adopt rules needed to
3 operate this program.

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