



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
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Senate: HHS DP 7-0-0-0 | 3<sup>rd</sup> Read 26-1-3-0

House: HHS DP 10-0-0-0

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## **SB 1309: mental health evaluations; information; consent.**

**Sponsor: Senator Miranda, LD 11**

**House Engrossed**

### **Overview**

Expands requirements relating to applications and petitions for court-ordered behavioral health evaluations to provide additional information about the proposed patient. Prescribes duties and prohibitions of a screening or evaluation agency upon receipt of an application or petition for a court-ordered evaluation. Outlines which individuals may provide informed consent on behalf of a proposed patient for a voluntary evaluation.

### **History**

Current law allows any responsible individual to apply for a court-ordered evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others or a person with a persistent or acute disability or a grave disability and who is unwilling or unable to undergo a voluntary evaluation. The application for evaluation must include: 1) the name and address of the proposed patient, if known; 2) prescribed personal information such as the proposed patient's age, date of birth and social security number; 3) the name, address and relationship of the person who is applying for the evaluation; 4) a statement that the proposed patient is believed to be a danger to self or to others and the facts on which the statement is based; and 5) a statement that the applicant believes the proposed patient is in need of supervision, care and treatment and the facts on which the statement is based ([A.R.S. § 36-520](#)).

On receiving the application for evaluation, the screening agency, before filing a petition for court-ordered evaluation must provide prepetition screening within 48 hours excluding weekends and holidays when possible to determine whether there is reasonable cause to believe the allegations of the applicant for the court-ordered evaluation, whether the person will voluntarily receive an evaluation at a scheduled time and place and whether the person has a persistent or acute disability or a grave disability or is likely to present a danger to self or others until the voluntary evaluation. After prepetition screening has been completed, the screening agency must prepare a report of opinions and conclusions. If prepetition screening is not possible, the screening agency must prepare a report giving reasons why the screening was not possible and including opinions and conclusions of staff members who attempted to conduct prepetition screening or otherwise investigated the matter ([A.R.S. § 36-521](#)).

### **Provisions**

1. Directs an application for a court-ordered mental health evaluation to include:
  - a) the names and addresses of the proposed patient's agent under a health care power of attorney or mental health care power of attorney;
  - b) a statement that the proposed patient is exhibiting behaviors that may be consistent with a mental disorder and is believed to be a danger to self or others;

- c) a statement with supporting facts from the applicant of whether the applicant believes the proposed patient is willing or able to undergo voluntary evaluation;
  - d) a statement of the proposed patient's relevant mental health and treatment history;
  - e) a statement, with supporting facts, that the applicant believes the proposed patient is in need of screening and evaluation;
  - f) copies of all documents relating to guardianship or powers of attorney that allow the guardian or agent to consent to inpatient psychiatric treatment of the proposed patient;
  - g) a statement of whether the applicant believes the patient is likely to cause or endure serious physical harm or injury without a period of inpatient observation, stabilization, assessment or emergency inpatient psychiatric hospitalization; and
  - h) if known, the names and contact information of any persons who witnessed the behavior on which the application is based. (Sec. 2)
2. Stipulates that an application made by a peace officer or prescribed health care professional does not need to be notarized and may be submitted as the written application with the applicant's original signature. (Sec. 2)
  3. Instructs the screening agency to immediately note on the application the time and date of receipt and to log the information on receipt of an application. (Sec. 2)
  4. Requires the screening and evaluation agencies to accept and consider relevant past and present behavioral health history of the proposed patient from persons who have a significant relationship with the proposed patient. (Sec. 2, 5)
  5. Permits the informed consent for a voluntary inpatient or outpatient evaluation to be provided by the person subject to the evaluation, the person's guardian with inpatient authority or the person's designated agent under an applicable power of attorney. (Sec. 3)
  6. Requires a petition for a court-ordered behavioral health evaluation to state the names and contact information of any persons who witnessed the behavior on which the petition is based. (Sec. 4)
  7. Forbids an evaluation agency from declining to process a petition or application for court-ordered evaluation due to a lack of persons who witnessed the behavior that prompted the petition or application. (Sec. 4)
  8. Requires a petition that requests the court to determine that the patient is chronically resistant to treatment to allege the facts that support the request. (Sec. 6)
  9. Makes technical and conforming changes. (Sec. 1-6)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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