

LAWS OF ARIZONA

CHAPTER 185

Senate Bill 1035

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR MENTAL HEALTH EVALUATION, COMMITMENT AND TREATMENT OF PERSONS SUFFERING MENTAL DISORDERS; PROVIDING PROCEDURES, RIGHTS, DUTIES AFFECTING SUCH PERSONS; PROVIDING FOR CERTAIN GUARDIANSHIPS AND CONSERVATORSHIPS; PROVIDING THAT A STATE HOSPITAL SHALL BE MAINTAINED FOR CARE AND TREATMENT OF PERSONS WITH MENTAL DISORDERS AND PERSONALITY DISORDERS OR EMOTIONAL CONDITIONS; REQUIRING CONSENT OF PARENTS FOR SURGICAL PROCEDURES UPON MINORS; REPEALING TITLE 36, CHAPTER 5, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING A NEW CHAPTER 5; AMENDING SECTIONS 14-5101 AND 31-224, ARIZONA REVISED STATUTES; AMENDING SECTION 36-202, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1973, CHAPTER 158, SECTION 34; AMENDING SECTION 36-206, ARIZONA REVISED STATUTES, AND AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 22.

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

LAWS OF ARIZONA

Section 1. **Repeal**

Title 36, chapter 5, Arizona Revised Statutes, is repealed.

Sec. 2. Title 36, Arizona Revised Statutes, is amended by adding a new chapter 5, articles 1 through 9, to read:

CHAPTER 5
MENTAL HEALTH SERVICES
ARTICLE 1. GENERAL PROVISIONS

36-501. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ADMITTING OFFICER" MEANS A PSYCHIATRIST OR OTHER PHYSICIAN WITH EXPERIENCE IN PERFORMING PSYCHIATRIC EXAMINATIONS WHO HAS BEEN DESIGNATED AS AN ADMITTING OFFICER OF THE EVALUATION AGENCY BY THE PERSON IN CHARGE OF THE EVALUATION AGENCY.

2. "COURT" MEANS THE SUPERIOR COURT OF THE COUNTY IN THIS STATE IN WHICH THE PATIENT RESIDES.

3. "DANGER TO OTHERS" MEANS BEHAVIOR WHICH CONSTITUTES A DANGER OF INFLECTING SUBSTANTIAL BODILY HARM UPON ANOTHER PERSON BASED UPON A HISTORY OF HAVING INFLECTED OR HAVING ATTEMPTED TO INFLECT SUBSTANTIAL BODILY HARM UPON ANOTHER PERSON WITHIN TWELVE MONTHS PRECEDING THE HEARING ON COURT ORDERED TREATMENT, EXCEPT THAT:

(a) IF THE PROPOSED PATIENT HAS EXISTED UNDER CONDITIONS OF BEING RESTRAINED BY PHYSICAL OR PHARMACOLOGICAL MEANS, OR OF BEING CONFINED, OR OF BEING SUPERVISED, WHICH HAVE DETERRED OR TENDED TO DETER HIM FROM CARRYING OUT ACTS OF INFLECTING OR ATTEMPTING TO INFLECT BODILY HARM UPON ANOTHER PERSON, THE TIME LIMIT OF WITHIN TWELVE MONTHS PRECEDING THE HEARING MAY BE EXTENDED TO A TIME LONGER THAN TWELVE MONTHS AS CONSIDERATION OF THE

LAWS OF ARIZONA

EVIDENCE INDICATES; OR,

(b) IF THE BODILY HARM INFLICTED UPON OR ATTEMPTED TO BE INFLICTED UPON ANOTHER PERSON WAS GRIEVOUS OR HORRENDOUS, THE TIME LIMIT OF WITHIN TWELVE MONTHS PRECEDING THE HEARING MAY BE EXTENDED TO A TIME LONGER THAN TWELVE MONTHS AS CONSIDERATION OF THE EVIDENCE INDICATES.

4. "DANGER TO SELF" MEANS BEHAVIOR WHICH CONSTITUTES A DANGER OF INFLICTING SUBSTANTIAL BODILY HARM UPON ONESELF, INCLUDING ATTEMPTED SUICIDE. DANGER TO SELF IS NOT PRESENT IF THE HAZARDS TO SELF ARE RESTRICTED TO THOSE WHICH MAY ARISE FROM CONDITIONS DEFINED UNDER GRAVE DISABILITY.

5. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HEALTH SERVICES.

6. "DETENTION" MEANS THE TAKING INTO CUSTODY OF A PATIENT OR PROPOSED PATIENT.

7. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

8. "EVALUATION" MEANS A PROFESSIONAL MULTIDISCIPLINARY ANALYSIS OF A PERSON'S MEDICAL, PSYCHOLOGICAL AND SOCIAL CONDITIONS CARRIED OUT BY A GROUP OF PERSONS CONSISTING OF NOT LESS THAN THE FOLLOWING: TWO PHYSICIANS, ONE OF WHOM MAY BE SELECTED BY THE PERSON AGAINST WHOM A PETITION HAS BEEN FILED, A PSYCHIATRIC SOCIAL WORKER AND A CERTIFIED PSYCHOLOGIST, UNLESS A CERTIFIED PSYCHOLOGIST IS NOT AVAILABLE. AN EVALUATION SHALL INCLUDE TWO PSYCHIATRIC EXAMINATIONS PERFORMED BY QUALIFIED PSYCHIATRISTS IF POSSIBLE AND PERFORMED IN ALL CASES BY LICENSED PHYSICIANS WHO SHALL BE EXPERIENCED IN SUCH MATTERS. AN EVALUATION MAY BE CONDUCTED ON AN INPATIENT BASIS, AN OUTPATIENT BASIS OR A COMBINATION OF THESE.

9. "EVALUATION AGENCY" MEANS A HEALTH CARE AGENCY LICENSED BY THE DEPARTMENT WHICH HAS BEEN APPROVED

LAWS OF ARIZONA

PURSUANT TO TITLE 36, FOR A MODIFICATION OF SERVICE TO INCLUDE THOSE SERVICES REQUIRED OF SUCH AGENCY BY THIS CHAPTER.

10. "EXAMINATION" MEANS AN EXPLORATION OF THE PERSON'S PAST PSYCHIATRIC HISTORY, OF THE CIRCUMSTANCES LEADING UP TO THE PERSON'S PRESENTATION, A PSYCHIATRIC EXPLORATION OF THE PERSON'S PRESENT MENTAL CONDITION AND A COMPLETE PHYSICAL EXAMINATION.

11. "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A PERSON IS UNABLE TO PROVIDE FOR HIS BASIC PERSONAL NEEDS FOR FOOD, CLOTHING AND SHELTER AS A RESULT OF A MENTAL DISORDER OF A TYPE WHICH HAS:

(a) DEVELOPED OVER A LONG PERIOD OF TIME AND HAS BEEN OF LONG DURATION; OR,

(b) DEVELOPED AS A MANIFESTATION OF DEGENERATIVE BRAIN DISEASE DURING OLD AGE; OR,

(c) DEVELOPED AS A MANIFESTATION OF SOME OTHER DEGENERATIVE PHYSICAL ILLNESS OF LONG DURATION.

12. "INDEPENDENT EVALUATOR" MEANS A LICENSED PHYSICIAN OR CERTIFIED PSYCHOLOGIST SELECTED BY A PROPOSED PATIENT, PROPOSED WARD, BY A PERSON SEEKING REVIEW OF AN ORDER FOR HIS INVOLUNTARY TREATMENT OR OF HIS STATUS AS A WARD OR BY THE ATTORNEY OF ONE OF SUCH PERSONS.

13. "INFORMED CONSENT" MEANS A DECISION FOLLOWING PRESENTATION OF ALL FACTS NECESSARY TO FORM THE BASIS OF AN INTELLIGENT CONSENT BY THE PATIENT OR GUARDIAN WITH NO MINIMIZING OF KNOWN DANGERS OF ANY PROCEDURES.

14. "LICENSED PHYSICIAN" MEANS ANY PHYSICIAN OR SURGEON LICENSED BY THIS STATE TO PRACTICE MEDICINE PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

LAWS OF ARIZONA

15. "MAINTENANCE" MEANS AND INCLUDES, BUT IS NOT LIMITED TO, COSTS INCURRED IN THE EXAMINATION, EVALUATION TREATMENT AND MAINTENANCE OF PATIENTS IN THE STATE HOSPITAL.

16. "MEDICAL DIRECTOR OF AN EVALUATION AGENCY" MEANS A PSYCHIATRIST, OR OTHER PHYSICIAN EXPERIENCED IN PSYCHIATRIC MATTERS, WHO IS DESIGNATED IN WRITING BY THE GOVERNING BODY OF THE AGENCY AS THE PERSON IN CHARGE OF THE MEDICAL SERVICES OF THE AGENCY FOR THE PURPOSES OF THIS CHAPTER AND MAY INCLUDE THE SUPERINTENDENT OF THE STATE HOSPITAL.

17. "MEDICAL DIRECTOR OF A MENTAL HEALTH TREATMENT AGENCY" MEANS A PSYCHIATRIST, OR OTHER PHYSICIAN EXPERIENCED IN PSYCHIATRIC MATTERS, WHO IS DESIGNATED IN WRITING BY THE GOVERNING BODY OF THE AGENCY AS THE PERSON IN CHARGE OF THE MEDICAL SERVICES OF THE AGENCY FOR THE PURPOSES OF THIS CHAPTER AND INCLUDES THE SUPERINTENDENT OF THE STATE HOSPITAL.

18. "MENTAL DISORDER" MEANS, FOR PURPOSES OF THIS CHAPTER, A SUBSTANTIAL DISORDER OF THE PERSON'S EMOTIONAL PROCESSES, THOUGHT, COGNITION OR MEMORY. "MENTAL DISORDER" IS DISTINGUISHED FROM:

(a) CONDITIONS WHICH ARE PRIMARILY THOSE OF DRUG ABUSE, ALCOHOLISM OR MENTAL RETARDATION.

(b) THE DECLINING MENTAL ABILITIES THAT DIRECTLY ACCOMPANY IMPENDING DEATH.

(c) CHARACTER AND PERSONALITY DISORDERS CHARACTERIZED BY LIFELONG AND DEEPLY INGRAINED ANTI-SOCIAL BEHAVIOR PATTERNS, INCLUDING SEXUAL BEHAVIORS WHICH ARE ABNORMAL AND PROHIBITED BY STATUTE UNLESS THE BEHAVIOR RESULTS FROM A MENTAL DISORDER.

19. "MENTAL HEALTH TREATMENT AGENCY" MEANS A HEALTH CARE AGENCY LICENSED BY THE DEPARTMENT WHICH HAS BEEN APPROVED, PURSUANT TO TITLE 36, FOR A

LAWS OF ARIZONA

MODIFICATION OF SERVICE TO INCLUDE THOSE SERVICES WHICH ARE REQUIRED OF THE AGENCY BY THIS CHAPTER OR THE STATE HOSPITAL.

20. "PATIENT" MEANS ANY PERSON VOLUNTARILY HOSPITALIZED OR ORDERED BY A COURT TO UNDERGO TREATMENT, AS PROVIDED IN THIS CHAPTER, IN THE STATE HOSPITAL OR OTHER DESIGNATED MENTAL HEALTH TREATMENT FACILITY.

21. "PREPETITION SCREENING" MEANS THE REVIEW OF EACH PETITION REQUESTING COURT-ORDERED EVALUATION, INCLUDING AN INVESTIGATION OF FACTS ALLEGED IN SUCH PETITION, AN INTERVIEW WITH EACH PETITIONER AND AN INTERVIEW, IF POSSIBLE, WITH THE PROPOSED PATIENT OR PROPOSED WARD. THE PURPOSE OF THE INTERVIEW WITH THE PROPOSED PATIENT OR PROPOSED WARD IS TO ASSESS THE PROBLEM, EXPLAIN THE PETITION AND, WHEN INDICATED, ATTEMPT TO PERSUADE THE PROPOSED PATIENT OR PROPOSED WARD TO RECEIVE, ON A VOLUNTARY BASIS, EVALUATION OR OTHER SERVICES.

22. "PRESCRIBED FORM" MEANS A FORM ESTABLISHED BY A COURT OR THE RULES OF THE DEPARTMENT OR IN ACCORDANCE WITH THE LAWS OF THIS STATE.

23. "PROPOSED PATIENT" MEANS A PERSON FOR WHOM A REQUEST FOR EVALUATION HAS BEEN MADE PURSUANT TO ARTICLE 2 OR FOR WHOM A PETITION HAS BEEN FILED PURSUANT TO ARTICLE 3.

24. "PROPOSED WARD" MEANS A PERSON FOR WHOM A PETITION FOR GUARDIANSHIP HAS BEEN FILED UNDER TITLE 14 AND PURSUANT TO THE PROVISIONS OF THIS CHAPTER.

25. "PSYCHIATRIST" MEANS A LICENSED PHYSICIAN WHO HAS COMPLETED THREE YEARS OF GRADUATE TRAINING IN PSYCHIATRY IN A PROGRAM APPROVED BY THE AMERICAN MEDICAL ASSOCIATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION.

26. "SCREENING AGENCY" MEANS A HEALTH CARE AGENCY

LAWS OF ARIZONA

LICENSED BY THE DEPARTMENT WHICH HAS BEEN APPROVED PURSUANT TO TITLE 36 FOR A MODIFICATION OF SERVICE TO INCLUDE THOSE SERVICES REQUIRED OF SUCH AGENCY BY THIS CHAPTER.

27. "STATE HOSPITAL" MEANS THE ARIZONA STATE HOSPITAL.

28. "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF THE STATE HOSPITAL.

36-502. **Powers and duties of the director; rules and regulations for standards, forms and administration; rules and regulations for admission and transfer**

A. THE DIRECTOR SHALL MAKE RULES AND REGULATIONS INCLUDING STANDARDS FOR AGENCIES PROVIDING SERVICES, AND PRESCRIBING FORMS AS MAY BE NECESSARY, FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER. THE RULES AND REGULATIONS SHALL BE APPLICABLE TO PATIENTS ADMITTED TO OR TREATED IN AGENCIES AS SET FORTH IN THIS CHAPTER.

B. THE DIRECTOR SHALL MAKE RULES AND REGULATIONS CONCERNING ADMISSION OF PATIENTS AND THE TRANSFER OF PATIENTS BETWEEN AGENCIES. A PATIENT UNDERGOING COURT-ORDERED TREATMENT MAY BE TRANSFERRED FROM ONE AGENCY TO ANOTHER IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIRECTOR, SUBJECT TO THE APPROVAL OF THE COURT.

C. THE DIRECTOR MAY MAKE RULES AND REGULATIONS CONCERNING LEAVES, VISITS AND ABSENCES OF PATIENTS FROM EVALUATION AGENCIES AND MENTAL HEALTH TREATMENT AGENCIES.

36-503. **Medical director of evaluation agency or mental health treatment agency; deputy**

THE MEDICAL DIRECTOR OF AN EVALUATION AGENCY OR THE MEDICAL DIRECTOR OF A MENTAL HEALTH TREATMENT AGENCY MAY DEPUTIZE, IN WRITING, SUBJECT TO THE APPROVAL OF THE GOVERNING BODY OF THE AGENCY, ANY

LAWS OF ARIZONA

QUALIFIED PSYCHIATRIST OR PHYSICIAN ON THE STAFF OF THE AGENCY TO DO OR PERFORM IN HIS STEAD ANY ACT THE MEDICAL DIRECTOR IS EMPOWERED TO DO OR CHARGED WITH RESPONSIBILITY OF DOING PURSUANT TO THIS CHAPTER.

ARTICLE 2. PATIENT'S
CIVIL AND LEGAL RIGHTS

36-511. Notice of patient's rights; notification to family

A. EVERY PERSON UNDERGOING TREATMENT OR EVALUATION PURSUANT TO THIS CHAPTER SHALL BE ENTITLED TO THE RIGHTS SET FORTH IN THIS CHAPTER AND TO RIGHTS THAT THE DEPARTMENT SPECIFIES BY RULES. A LIST OF PATIENT'S RIGHTS AS REQUIRED BY THIS CHAPTER AND BY THE DEPARTMENT SHALL BE COMPILED AND PUBLISHED BY THE DIRECTOR BY RULE. SUCH LIST SHALL BE PROMINENTLY POSTED IN ENGLISH AND SPANISH IN ALL FACILITIES PROVIDING EVALUATION OR TREATMENT. PATIENT'S RIGHTS SHALL OTHERWISE BE BROUGHT TO THE ATTENTION OF THE PATIENT AS THIS CHAPTER REQUIRES OR THE DEPARTMENT MAY DIRECT BY RULE.

B. AN AGENCY WHICH IS EVALUATING, EXAMINING OR TREATING A PATIENT SHALL IMMEDIATELY NOTIFY A MEMBER OF THE PATIENT'S FAMILY THAT THE PATIENT IS BEING TREATED IN THE AGENCY OR THAT THE PATIENT IS SERIOUSLY ILL OR DEAD.

36-512. Patient's rights at hearing

AT ALL HEARINGS CONDUCTED PURSUANT TO THIS CHAPTER, A PERSON SHALL HAVE THE RIGHT TO AN ANALYSIS OF HIS PSYCHOLOGICAL CONDITION BY AN INDEPENDENT EVALUATOR WHO IS EITHER A LICENSED PHYSICIAN OR CERTIFIED PSYCHOLOGIST SELECTED BY THE PATIENT OR HIS ATTORNEY.

36-513. Civil rights not impaired; discrimination prohibited

A. EVERY PERSON UNDERGOING EVALUATION OR TREATMENT PURSUANT TO THIS CHAPTER SHALL NOT BE DENIED ANY CIVIL RIGHT, INCLUDING BUT NOT LIMITED TO,

LAWS OF ARIZONA

THE RIGHT TO DISPOSE OF PROPERTY, SUE AND BE SUED, ENTER INTO CONTRACTUAL RELATIONSHIPS AND VOTE. COURT-ORDERED TREATMENT OR EVALUATION PURSUANT TO THIS CHAPTER IS NOT A DETERMINATION OF LEGAL INCOMPETENCY, EXCEPT TO THE EXTENT PROVIDED IN SECTION 36-519.

B. A PERSON WHO IS OR HAS BEEN EVALUATED OR TREATED IN AN AGENCY FOR A MENTAL DISORDER SHALL NOT BE DISCRIMINATED AGAINST IN ANY MANNER, INCLUDING BUT NOT LIMITED TO:

1. SEEKING EMPLOYMENT.
2. RESUMING OR CONTINUING PROFESSIONAL PRACTICE OR PREVIOUS OCCUPATION.
3. OBTAINING OR RETAINING HOUSING.
4. OBTAINING OR RETAINING LICENSES OR PERMITS, INCLUDING BUT NOT LIMITED TO, MOTOR VEHICLE LICENSES, MOTOR VEHICLE OPERATORS AND CHAUFFEURS LICENSES AND PROFESSIONAL OR OCCUPATIONAL LICENSES.

C. DISCRIMINATION FOR PURPOSES OF THIS SECTION MEANS ANY DENIAL OF CIVIL RIGHTS ON THE GROUNDS OF HOSPITALIZATION OR OUTPATIENT CARE AND TREATMENT UNRELATED TO A PERSON'S PRESENT CAPACITY TO MEET THE STANDARDS APPLICABLE TO ALL PERSONS. APPLICATIONS FOR POSITIONS, LICENSES AND HOUSING SHALL CONTAIN NO REQUESTS FOR INFORMATION WHICH ENCOURAGE SUCH DISCRIMINATION.

36-514. Patient's rights to privacy and to personal possessions

EVERY PERSON UNDERGOING EVALUATION OR TREATMENT PURSUANT TO THIS CHAPTER SHALL:

1. NOT BE FINGERPRINTED EXCEPT AS REGULATIONS OF THE DEPARTMENT MAY PERMIT.
2. NOT BE PHOTOGRAPHED WITHOUT CONSENT OF THE PERSON AND HIS ATTORNEY OR GUARDIAN, EXCEPT THAT HE

LAWS OF ARIZONA

MAY BE PHOTOGRAPHED UPON ADMISSION TO AN AGENCY FOR IDENTIFICATION AND ADMINISTRATIVE PURPOSES OF THE AGENCY. ALL PHOTOGRAPHS SHALL BE CONFIDENTIAL AND SHALL NOT BE RELEASED BY THE AGENCY EXCEPT PURSUANT TO COURT ORDER.

3. HAVE ACCESS TO INDIVIDUAL STORAGE SPACE FOR HIS PRIVATE USE WHILE UNDERGOING EVALUATION OR TREATMENT.

4. BE PERMITTED TO WEAR HIS OWN CLOTHING, TO KEEP AND USE HIS OWN PERSONAL POSSESSIONS INCLUDING HIS TOILET ARTICLES AND TO KEEP AND BE ALLOWED TO SPEND A REASONABLE SUM OF HIS OWN MONEY FOR HIS OWN NEEDS AND COMFORT.

36-515. Disposition of patient's personal property

A. WHEN A PATIENT IS ADMITTED TO THE STATE HOSPITAL, THE ARTICLES OF PERSONAL PROPERTY WHICH CANNOT BE USED BY THE PATIENT AT THE INSTITUTION SHALL BE PLACED UNDER THE CONTROL AND MANAGEMENT OF THE PATIENT'S SPOUSE, NEXT OF KIN, GUARDIAN OR CONSERVATOR.

B. IN THE EVENT THE PATIENT IS WITHOUT A SPOUSE, NEXT OF KIN, GUARDIAN OR CONSERVATOR, OR THE SPOUSE OR NEXT OF KIN REFUSE TO TAKE POSSESSION OF THE PATIENT'S PERSONAL PROPERTY THE STATE HOSPITAL SHALL PROVIDE FACILITIES AT A REASONABLE RATE FOR THE STORAGE OF THE PATIENT'S PERSONAL PROPERTY.

C. IF THE PATIENT OR HIS ESTATE CANNOT PAY THE EXPENSES OF STORAGE, THE STATE HOSPITAL MAY SEEK JUDICIAL SALE OF THE PERSON'S PERSONAL PROPERTY.

D. THE PROCEEDS DERIVED FROM A SALE OF THE PATIENT'S PERSONAL PROPERTY SHALL BE FIRST APPLIED TO THE COSTS INCURRED IN STORAGE OF THE PROPERTY AND ANY BALANCE REMAINING SHALL BE THEN DEPOSITED TO THE PATIENT'S CREDIT IN THE PATIENT'S PERSONAL DEPOSIT FUND.

LAWS OF ARIZONA

36-516. Confidential records

ALL INFORMATION AND RECORDS OBTAINED IN THE COURSE OF EVALUATION, EXAMINATION OR TREATMENT SHALL BE KEPT CONFIDENTIAL AND NOT AS PUBLIC RECORDS, EXCEPT AS THE REQUIREMENTS OF A HEARING PURSUANT TO THIS CHAPTER MAY NECESSITATE A DIFFERENT PROCEDURE. INFORMATION AND RECORDS MAY ONLY BE DISCLOSED, PURSUANT TO RULES ESTABLISHED BY THE DEPARTMENT, TO:

1. PHYSICIANS AND PROVIDERS OF HEALTH, MENTAL HEALTH OR SOCIAL AND WELFARE SERVICES INVOLVED IN CARING, TREATING OR REHABILITATING THE PATIENT.
2. INDIVIDUALS TO WHOM THE PATIENT HAS GIVEN CONSENT TO HAVE INFORMATION DISCLOSED.
3. PERSONS LEGALLY REPRESENTING THE PATIENT, AND IN SUCH CASE, THE DEPARTMENT'S RULES SHALL NOT DELAY COMPLETE DISCLOSURE.
4. PERSONS AUTHORIZED BY A COURT ORDER.
5. PERSONS DOING RESEARCH OR MAINTAINING HEALTH STATISTICS, PROVIDED THAT THE DEPARTMENT ESTABLISHES RULES FOR THE CONDUCT OF SUCH RESEARCH, AS WILL INSURE THE ANONYMITY OF THE PATIENT.
6. THE DEPARTMENT OF CORRECTIONS IN CASES WHERE PRISONERS CONFINED TO THE STATE PRISON ARE PATIENTS IN THE STATE HOSPITAL ON AUTHORIZED TRANSFERS EITHER BY VOLUNTARY ADMISSION OR BY ORDER OF THE COURT.
7. GOVERNMENTAL OR LAW ENFORCEMENT AGENCIES WHEN NECESSARY TO SECURE THE RETURN OF A PATIENT WHO IS ON UNAUTHORIZED ABSENCE FROM ANY AGENCY WHERE THE PATIENT WAS UNDERGOING EVALUATION AND TREATMENT.

36-517. Patient's compensation for work

IF A PATIENT OF THE STATE HOSPITAL WORKS, THIS WORK SHALL BE IN THE PATIENT'S INTEREST. IF THE PRIMARY

LAWS OF ARIZONA

PURPOSE OF THIS WORK IS TO BENEFIT THE STATE HOSPITAL OR ANY AGENCY OF THE STATE, THE PATIENT SHALL BE EMPLOYED AND PAID IN ACCORDANCE WITH LAW. IF THE PURPOSE OF THE WORK IS THERAPEUTIC, THE PATIENT MAY OR MAY NOT BE PAID AS CIRCUMSTANCES INDICATE. THIS THERAPEUTIC WORK SHALL BE PART OF A PLANNED PROGRAM OF TREATMENT DESCRIBED IN THE PATIENT'S RECORD WITH THE RATIONALE FOR THE WORK-TREATMENT INCLUDED. IT SHALL BE PERIODICALLY REVIEWED BY THE APPROPRIATE HOSPITAL REVIEW PROCEDURES. THE TERM "WORK" DOES NOT MEAN MATTERS OF PERSONAL HOUSEKEEPING OR PERSONAL MAINTENANCE.

36-518. Quality of treatment

A. EVERY PERSON UNDERGOING EVALUATION OR TREATMENT PURSUANT TO THIS CHAPTER SHALL RECEIVE PHYSICAL AND PSYCHIATRIC CARE AND TREATMENT FOR THE FULL PERIOD HE IS DETAINED. THE AGENCY PROVIDING CARE AND TREATMENT SHALL KEEP A CLINICAL RECORD FOR EACH PERSON WHICH DETAILS ALL MEDICAL AND PSYCHIATRIC EVALUATIONS AND ALL CARE AND TREATMENT RECEIVED BY THE PERSON.

B. AN AGENCY ADMINISTERING THE CARE AND TREATMENT SHALL PROVIDE:

1. A TREATMENT PROGRAM BASED ON THE INDIVIDUAL NEEDS OF THE PERSON.

2. CAREFUL AND PERIODIC REEXAMINATIONS OF EACH PERSON BY APPROPRIATE PROFESSIONAL PERSONS, INCLUDING A PHYSICIAN. REEXAMINATIONS SHALL BE MADE ONCE EACH NINETY DAYS AND THE RESULTS SHALL BE A PART OF THE PERSON'S MEDICAL RECORD.

3. A FULL PHYSICAL EXAMINATION ONCE A YEAR.

4. ADEQUATE MEDICAL TREATMENT IN THE LIGHT OF PRESENT MEDICAL KNOWLEDGE IN ACCORDANCE WITH THE RESULTS OF THESE EXAMINATIONS.

LAWS OF ARIZONA

36-519. Emergency medical care at the state hospital

WHEN, IN THE WRITTEN OPINION OF THE ATTENDING PHYSICIAN OF A PATIENT AT THE STATE HOSPITAL, A TRUE MEDICAL EMERGENCY EXISTS AND A SURGICAL OPERATION IS NECESSARY TO SAVE THE LIFE, PHYSICAL HEALTH, EYESIGHT, HEARING OR MEMBER OF THE PATIENT, THE SUPERINTENDENT MAY GIVE CONSENT TO SUCH SURGICAL OPERATION IF THE CONSENT OF THE PROPER RELATIVES OR GUARDIAN CANNOT BE HAD IN TIME TO EFFECT SUCH SAVING AND TIME WILL NOT PERMIT THE OBTAINING OF APPROPRIATE JUDICIAL AUTHORITY.

36-520. Seclusion; restraint

A PERSON UNDERGOING EVALUATION OR TREATMENT SHALL NOT BE SUBJECT TO SECLUSION OR MECHANICAL OR PHARMACOLOGICAL RESTRAINTS EXCEPT IN CASE OF EMERGENCY FOR THE SAFETY OF THE PERSON OR OTHERS OR AS A PART OF A WRITTEN PLAN FOR THE TREATMENT OF THE PATIENT, PREPARED BY STAFF MEMBERS RESPONSIBLE FOR HIS CARE. ALL INSTANCES OF SECLUSION OR RESTRAINT SHALL BE PROPERLY RECORDED IN THE PATIENT'S MEDICAL RECORD AND THE USE SHALL BE GOVERNED BY WRITTEN PROCEDURES OF THE AGENCY CARING FOR THE PATIENT AND ARE SUBJECT TO THE RULES AND REGULATIONS OF THE DEPARTMENT.

36-521. Visitation; telephone; correspondence; religious freedom

EVERY PERSON DETAINED FOR EVALUATION OR TREATMENT PURSUANT TO THIS CHAPTER SHALL HAVE THE FOLLOWING ADDITIONAL RIGHTS:

1. TO BE VISITED BY HIS PERSONAL PHYSICIAN, ATTORNEY AND CLERGYMAN OR ANY OTHER PERSON, SUBJECT TO LIMITATIONS AS THE INDIVIDUAL IN CHARGE OF THE AGENCY MAY DIRECT.

2. TO HAVE REASONABLE ACCESS TO TELEPHONES BETWEEN THE HOURS OF NINE A.M. AND NINE P.M. TO MAKE AND RECEIVE CONFIDENTIAL CALLS. LONG DISTANCE CALLS SHALL BE ALLOWED IF THE PATIENT CAN PAY THE AGENCY FOR THEM OR

LAWS OF ARIZONA

CAN PROPERLY CHARGE THEM TO ANOTHER NUMBER. THE AGENCY MAY RESTRICT THE PHONE PRIVILEGES OF A PATIENT WHEN NOTIFIED BY THE PERSON RECEIVING THE CALLS THAT HE IS BEING HARASSED BY THE CALLS AND WISHES THEM CURTAILED OR HALTED.

3. TO BE FURNISHED WITH REASONABLE AMOUNTS OF STATIONERY AND POSTAGE AND TO BE PERMITTED TO CORRESPOND BY MAIL WITHOUT CENSORSHIP WITH ANY PERSON, UNLESS THE PERSON RECEIVING THE CORRESPONDENCE STATES THAT HE IS BEING HARASSED BY THE CORRESPONDENCE OR OBJECTS TO IT AND WISHES IT CURTAILED OR HALTED, IN WHICH CASE THE AGENCY MAY RESTRICT OR HALT THE CORRESPONDENCE.

4. TO ENJOY RELIGIOUS FREEDOM AND THE RIGHT TO CONTINUE THE PRACTICE OF HIS RELIGION IN ACCORDANCE WITH ITS TENETS DURING THE DETAINMENT, EXCEPT THAT THIS RIGHT MAY NOT INTERFERE WITH THE OPERATION OF THE AGENCY.

36-522. Limitation of liability; false application; penalty

A. ANY PERSON ACTING IN GOOD FAITH UPON EITHER ACTUAL KNOWLEDGE OR RELIABLE INFORMATION WHO MAKES APPLICATION FOR EVALUATION OR TREATMENT OF ANOTHER PERSON PURSUANT TO THIS CHAPTER IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY FOR SUCH ACT.

B. ANY PERSON WHO WITHOUT PROBABLE CAUSE MAKES APPLICATION FOR A PETITION ALLEGING THAT ANOTHER PERSON IS MENTALLY DISORDERED OR GRAVELY DISABLED AND REQUESTING EVALUATION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT NOT TO EXCEED ONE YEAR, A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR BOTH.

36-523. Denial of person's rights

A. A PERSON'S RIGHTS UNDER ARTICLE 2, SECTIONS 36-514, 36-515, 36-516, 36-520 AND 36-521 OF THIS CHAPTER MAY BE DENIED FOR GOOD CAUSE BY THE INDIVIDUAL IN CHARGE OF THE AGENCY. DENIAL OF A RIGHT AND THE EXPLANATION

LAWS OF ARIZONA

THEREOF SHALL BE ENTERED INTO THE PERSON'S CLINICAL RECORD AND THE INFORMATION CONTAINED IN THE CLINICAL RECORD SHALL BE MADE AVAILABLE ON REQUEST TO THE PERSON, HIS ATTORNEY OR GUARDIAN.

B. ANY VIOLATION OF A PERSON'S RIGHTS UNDER THIS ARTICLE SHALL GIVE HIM A CAUSE OF ACTION FOR THE GREATER OF EITHER ONE THOUSAND DOLLARS OR THREE TIMES THE ACTUAL AMOUNT OF DAMAGES. IT IS NOT A PREREQUISITE TO THIS ACTION THAT THE PLAINTIFF SUFFER OR BE THREATENED WITH ACTUAL DAMAGES.

36-524. Cruelty to mentally disordered person; penalty; punishment

A. A PERSON GUILTY OF ANY HARSH OR CRUEL TREATMENT OF, OR ANY NEGLECT OF DUTY TOWARD A MENTALLY DISORDERED PERSON IS GUILTY OF A MISDEMEANOR.

B. IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION A, ANY PERSON GUILTY OF AN OFFENSE WHICH CONSTITUTES A FELONY UNDER TITLE 13, WHILE TREATING OR NEGLECTING TO TREAT A MENTALLY DISORDERED PERSON, SHALL BE SUBJECT TO PUNISHMENT AS PROVIDED FOR IN TITLE 13.

ARTICLE 3. VOLUNTARY ADMISSIONS

36-531. Application for voluntary admission; admission to agency; minors and persons under guardianship; transportation

A. PURSUANT TO RULES AND REGULATIONS OF THE DEPARTMENT, ANY PERSON MAY BE HOSPITALIZED FOR EVALUATION, CARE AND TREATMENT WHO VOLUNTARILY MAKES WRITTEN APPLICATION ON A PRESCRIBED FORM. THE AGENCY TO WHICH THE PERSON APPLIES MAY ACCEPT AND ADMIT THE PERSON IF THE MEDICAL DIRECTOR OF THE AGENCY OR THE ADMITTING OFFICER BELIEVES THAT THE PERSON NEEDS EVALUATION OR WILL BENEFIT FROM CARE AND TREATMENT OF A MENTAL DISORDER OR OTHER PERSONALITY DISORDER OR EMOTIONAL CONDITION IN THE AGENCY.

LAWS OF ARIZONA

B. IF THE PERSON MAKING VOLUNTARY APPLICATION IS UNDER GUARDIANSHIP, THE APPLICATION SHALL BE SIGNED BY THE GUARDIAN. IF THE PERSON IS LESS THAN EIGHTEEN YEARS OF AGE, THE APPLICATION SHALL BE SIGNED BY THE PARENT, GUARDIAN OR ADULT NEXT OF KIN. IF THE MINOR IS FOURTEEN YEARS OF AGE OR OLDER AND NOT UNDER GUARDIANSHIP, THE WRITTEN APPLICATION SHALL ALSO BE SIGNED BY THE MINOR. IN ANY OTHER WRITTEN APPLICATION FOR A VOLUNTARY ADMISSION OF A MINOR BY A PARENT, GUARDIAN OR ADULT NEXT OF KIN, THE PERSON SHALL BE ADMITTED ONLY UPON THE WRITTEN APPROVAL OF THE MEDICAL DIRECTOR OF THE AGENCY.

C. THE BOARD OF SUPERVISORS OF THE COUNTY OF RESIDENCE OF A PERSON WHO HAS SUBMITTED AN APPLICATION FOR ADMISSION TO THE STATE HOSPITAL PURSUANT TO SUBSECTION A SHALL PROVIDE TRANSPORTATION TO THE STATE HOSPITAL FOR THE PERSON IF IT APPEARS THAT THE PERSON IS ELIGIBLE FOR VOLUNTARY ADMISSION TO THE STATE HOSPITAL AFTER CONSULTATION BETWEEN THE STATE HOSPITAL AND AN EXAMINER OF THE PERSON DESIGNATED BY THE COUNTY TO PROVIDE SUCH SERVICES.

36-532. Discharge of voluntary patients

A. THE MEDICAL DIRECTOR OF THE AGENCY SHALL DISCHARGE ANY PATIENT ADMITTED VOLUNTARILY WHO HAS RECOVERED OR WHO IS NO LONGER A DANGER TO SELF OR OTHERS, OR WHO IS NO LONGER GRAVELY DISABLED, IF HE IS NO LONGER BENEFITING FROM THE EVALUATION, CARE OR TREATMENT AVAILABLE.

B. A PATIENT ADMITTED VOLUNTARILY SHALL BE GIVEN A DISCHARGE WITHIN TWENTY-FOUR HOURS EXCEPT ON WEEKENDS OR ON A HOLIDAY AFTER HE REQUESTS A DISCHARGE IN WRITING OR, IF UNDER THE AGE OF EIGHTEEN, WITHIN TWENTY-FOUR HOURS EXCEPT ON WEEKENDS OR ON A HOLIDAY AFTER A REQUEST FOR DISCHARGE HAS BEEN MADE IN WRITING BY HIS PARENT, GUARDIAN OR ADULT NEXT OF KIN, EXCEPT THAT, IF THE MEDICAL DIRECTOR OF THE AGENCY BELIEVES THAT THE VOLUNTARILY ADMITTED PATIENT IS A

LAWS OF ARIZONA

DANGER TO SELF OR OTHERS OR GRAVELY DISABLED, THE MEDICAL DIRECTOR OF THE AGENCY MAY PROCEED PURSUANT TO THIS CHAPTER, WITHIN TWENTY-FOUR HOURS EXCEPT ON WEEKENDS OR ON A HOLIDAY AFTER THE REQUEST, AND SHALL POSTPONE THE DISCHARGE. FURTHER PROCEEDINGS SHALL BE CONDUCTED PURSUANT TO ARTICLE 5.

ARTICLE 4. COURT-ORDERED EVALUATION

36-541. **Application for evaluation**

A. ANY RESPONSIBLE INDIVIDUAL MAY 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 GRAVELY DISABLED AND WHO IS UNWILLING TO UNDERGO A VOLUNTARY EVALUATION. THE APPLICATION SHALL BE MADE IN THE PRESCRIBED FORM AND MANNER AS PROMULGATED BY THE DIRECTOR.

B. IF THE INDIVIDUAL REQUESTING THE COURT-ORDERED EVALUATION PRESENTS THE PERSON TO BE EVALUATED AT THE SCREENING AGENCY, THE AGENCY SHALL CONDUCT A PREPETITION SCREENING EXAMINATION. EXCEPT IN THE CASE OF AN EMERGENCY EVALUATION, THE PERSON TO BE EVALUATED SHALL NOT BE DETAINED OR FORCED TO UNDERGO PREPETITION SCREENING AGAINST HIS WILL.

C. IF THE PERSON REQUESTING THE COURT-ORDERED EVALUATION DOES NOT PRESENT THE PERSON TO BE EVALUATED AT THE SCREENING AGENCY, THE AGENCY SHALL CONDUCT THE PREPETITION SCREENING AT THE HOME OF THE PERSON TO BE EVALUATED OR ANY OTHER PLACE THE PERSON TO BE EVALUATED IS FOUND. IF PREPETITION SCREENING IS NOT POSSIBLE, THE SCREENING AGENCY SHALL PROCEED AS IN SECTION 36-542, SUBSECTION C.

D. IF A PERSON IS BEING TREATED BY PRAYER OR SPIRITUAL MEANS ALONE IN ACCORDANCE WITH THE TENETS AND PRACTICES OF A RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION BY A DULY ACCREDITED PRACTITIONER THEREOF, SUCH PERSON MAY NOT BE ORDERED EVALUATED, DETAINED OR INVOLUNTARILY TREATED UNLESS THE COURT HAS DETERMINED THAT HE IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO OTHERS OR TO HIMSELF.

LAWS OF ARIZONA

36-542. Preparation of petition for court-ordered evaluation; procedures for prepetition screening

A. THE SCREENING AGENCY SHALL PREPARE THE PETITION AND OTHER FORMS REQUIRED FOR A COURT-ORDERED EVALUATION. THE PETITION SHALL BE SIGNED BY THE PERSON REQUESTING THE COURT-ORDERED EVALUATION.

B. THE SCREENING AGENCY SHALL, PRIOR TO FILING THE PETITION, PROVIDE PREPETITION SCREENING WHEN POSSIBLE TO DETERMINE WHETHER THERE IS REASONABLE CAUSE TO BELIEVE THE ALLEGATIONS OF THE PERSON REQUESTING THE COURT-ORDERED EVALUATION, WHETHER THE PERSON WILL VOLUNTARILY RECEIVE EVALUATION AT A SCHEDULED TIME AND PLACE AND WHETHER HE IS LIKELY TO PRESENT A DANGER TO SELF OR OTHERS UNTIL THE VOLUNTARY EVALUATION.

C. AFTER PREPETITION SCREENING HAS BEEN COMPLETED, THE SCREENING AGENCY SHALL PREPARE A REPORT OF OPINIONS AND CONCLUSIONS. IF PREPETITION SCREENING IS NOT POSSIBLE, THE SCREENING AGENCY SHALL 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.

D. THE SCREENING AGENCY SHALL FILE THE PETITION IF, BASED UPON THE ALLEGATIONS OF THE PERSON REQUESTING THE COURT-ORDERED EVALUATION AND THE PREPETITION SCREENING REPORT OR OTHER INFORMATION OBTAINED WHILE ATTEMPTING TO CONDUCT A PREPETITION SCREENING, THE AGENCY DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PATIENT IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS OR GRAVELY DISABLED AND THAT THE PATIENT WILL NOT VOLUNTARILY RECEIVE EVALUATION OR IS LIKELY TO PRESENT A DANGER TO SELF OR OTHERS BEFORE RECEIVING A VOLUNTARY EVALUATION.

36-543. Voluntary evaluation

LAWS OF ARIZONA

IF THE PETITION FOR COURT-ORDERED EVALUATION IS NOT FILED BECAUSE IT HAS BEEN DETERMINED THAT THE PROPOSED PATIENT OR PROPOSED WARD WILL VOLUNTARILY RECEIVE AN EVALUATION AND IS UNLIKELY TO PRESENT A DANGER TO SELF OR OTHERS UNTIL THE VOLUNTARY EVALUATION, THE EVALUATION AGENCY PROVIDED FOR BY THE COUNTY, OR SELECTED BY THE PATIENT, SHALL BE IMMEDIATELY NOTIFIED AND SHALL PROVIDE EVALUATION OF THE PROPOSED PATIENT OR PROPOSED WARD AT A SCHEDULED TIME AND PLACE WITHIN FIVE DAYS OF THE NOTICE.

36-544. Petition for evaluation

A. A PETITION, WHEN FILED, MAY BE ACCOMPANIED BY A PREPETITION SCREENING REPORT CONTAINING THE FINDINGS OF THE SCREENING AGENCY. THE PETITION FOR EVALUATION SHALL ALSO CONTAIN THE FOLLOWING INFORMATION:

1. THE NAME AND ADDRESS OF THE INDIVIDUAL WHO APPLIED FOR THE PETITION AND HIS INTEREST IN THE CASE.
2. THE FACTS WHICH CALLED THE PERSON TO BE EVALUATED TO THE SCREENING AGENCY'S ATTENTION.
3. THE NAME OF THE PERSON TO BE EVALUATED AND, IF KNOWN OR READILY DISCOVERABLE, THE ADDRESS, AGE, MARITAL STATUS AND OCCUPATION OF THE PERSON AND THE NAME AND ADDRESS OF THE PERSON'S NEAREST RELATIVES.
4. THE FACTS UPON WHICH THE ALLEGATIONS ARE BASED, INCLUDING STATEMENTS BY THE INDIVIDUAL APPLYING FOR THE PETITION OF THE SPECIFIC NATURE OF THE DANGER OR GRAVE DISABILITY.
5. OTHER INFORMATION THAT THE DEPARTMENT BY RULE OR REGULATION OR THE COURT BY RULE OR ORDER MAY REQUIRE.

B. A PETITION AND OTHER FORMS REQUIRED IN A COURT MAY BE FILED ONLY BY THE SCREENING AGENCY WHICH HAS PREPARED THE PETITION.

LAWS OF ARIZONA

C. IF THE PETITION IS NOT FILED BECAUSE IT HAS BEEN DETERMINED THAT THE PERSON DOES NOT NEED AN EVALUATION, THE AGENCY SHALL DESTROY THE PETITION.

36-545. **Application for emergency admission for evaluation; requirements**

A. A WRITTEN APPLICATION FOR EMERGENCY ADMISSION SHALL BE MADE TO AN EVALUATION AGENCY BEFORE A PERSON MAY BE HOSPITALIZED IN THE AGENCY.

B. AN APPLICATION FOR EMERGENCY ADMISSION SHALL BE MADE BY A PERSON, WITH KNOWLEDGE OF THE FACTS REQUIRING EMERGENCY ADMISSION.

C. THE APPLICATION SHALL BE UPON A PRESCRIBED FORM AND SHALL INCLUDE THE FOLLOWING:

1. A STATEMENT BY THE APPLICANT THAT HE BELIEVES ON THE BASIS OF PERSONAL OBSERVATION THAT THE PERSON IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR OTHERS.

2. THE SPECIFIC NATURE OF THE DANGER.

3. A SUMMARY OF THE OBSERVATIONS UPON WHICH THE STATEMENT OF DANGER IS BASED.

4. A STATEMENT OF FACTS WHICH CALLED THE PERSON TO BE ADMITTED TO THE APPLICANT'S ATTENTION.

36-546. **Apprehension and transportation by peace officers**

A. A PEACE OFFICER MAY APPREHEND A PERSON WHO HE HAS PROBABLE CAUSE TO BELIEVE REQUIRES EMERGENCY ADMISSION UNDER THE CRITERIA SET FORTH IN SECTION 36-545, SUBSECTION C, PARAGRAPH 1, IF AN APPLICATION FOR EMERGENCY ADMISSION FOR EVALUATION HAS BEEN FILED.

B. A PEACE OFFICER SHALL TRANSPORT THE PERSON TO AN EVALUATION AGENCY.

LAWS OF ARIZONA

36-547. Emergency admission; examination; petition for court ordered evaluation

A. UPON PRESENTATION OF THE PERSON FOR EMERGENCY ADMISSION, AN ADMITTING OFFICER OF AN EVALUATION AGENCY SHALL PERFORM AN EXAMINATION OF THE PERSON AND MAY ADMIT THE PERSON TO THE AGENCY AS AN EMERGENCY PATIENT IF THE ADMITTING OFFICER FINDS, AS A RESULT OF HIS EXAMINATION AND INVESTIGATION OF THE APPLICATION FOR EMERGENCY ADMISSION, THAT THE PERSON MEETS THE CRITERIA SET FORTH IN SECTION 36-545. AN ADMITTING OFFICER OF THE EVALUATION AGENCY SHALL BE PRESENT OR ON CALL AT ALL TIMES TO RECEIVE AND EVALUATE PROPOSED PATIENTS.

B. ON THE SAME OR SUCCEEDING COURT DAY, THE MEDICAL DIRECTOR IN CHARGE OF THE AGENCY SHALL FILE A PETITION FOR A COURT-ORDERED EVALUATION. THE PETITION NEED NOT COMPLY WITH THE PROVISIONS OF THIS CHAPTER REQUIRING PREPARATION AND FILING OF A PREPETITION SCREENING REPORT BUT SHALL MEET ALL OTHER REQUIREMENTS AND SHALL SEEK AN ORDER THAT THE PERSON BE RETAINED IN CUSTODY AND EVALUATED.

36-548. Discharge or release of emergency patients

A. A PERSON TAKEN INTO CUSTODY FOR EMERGENCY ADMISSION MAY NOT BE DETAINED LONGER THAN TWENTY-FOUR HOURS FOLLOWING SUCH DETENTION UNLESS A PETITION FOR COURT-ORDERED EVALUATION IS FILED OR APPROVAL IS GIVEN BY THE SUPERIOR COURT.

B. A PERSON ADMITTED FOR EMERGENCY EVALUATION MAY BE RELEASED AT ANY TIME IF, IN THE OPINION OF THE MEDICAL DIRECTOR IN CHARGE OF THE EVALUATION AGENCY, THE PERSON NO LONGER MEETS THE CRITERIA SET FORTH IN SECTION 36-545. THE PATIENT MAY CONTINUE CARE AND TREATMENT IN THE AGENCY IF HE SIGNS A VOLUNTARY APPLICATION.

36-549. Emergency patients; duties of agency; notification of family member; right to counsel

LAWS OF ARIZONA

A. AT THE TIME A PERSON IS TAKEN INTO CUSTODY FOR EMERGENCY EVALUATION, THE MEDICAL DIRECTOR IN CHARGE OF THE EVALUATION AGENCY SHALL NOTIFY, WITH CONSENT OF THE PERSON BEING DETAINED, A MEMBER OF THE FAMILY OTHER THAN A PERSON WHO HAS MADE APPLICATION FOR EMERGENCY EVALUATION, IF KNOWN, OF THE PERSON'S PRESENCE AT THE AGENCY.

B. THE PERSON DETAINED SHALL BE INFORMED OF HIS RIGHTS AS STATED UNDER ARTICLE 2 OF THIS CHAPTER, INCLUDING THE RIGHT TO CONSULT AN ATTORNEY. HE SHALL BE ADVISED THAT IF HE CANNOT EMPLOY AN ATTORNEY, THE COURT WILL APPOINT ONE FOR HIM.

36-550. Order for evaluation; order for detention; hearing

A. IF, FROM THE REVIEW OF THE PETITION FOR EVALUATION, THE COURT DOES NOT DETERMINE THAT THE PROPOSED PATIENT IS LIKELY TO PRESENT A DANGER TO SELF OR OTHERS PRIOR TO HIS HEARING ON COURT-ORDERED TREATMENT, BUT DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPOSED PATIENT IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR OTHERS OR GRAVELY DISABLED, THE COURT SHALL ISSUE AN ORDER DIRECTING THE PROPOSED PATIENT TO SUBMIT TO AN EVALUATION AT A DESIGNATED TIME AND PLACE. THE COURT MAY ALSO ORDER THAT IF THE PERSON DOES NOT SO SUBMIT, THAT HE BE TAKEN INTO CUSTODY BY A POLICE OFFICER AND DELIVERED TO AN EVALUATION AGENCY. THE EVALUATION MAY BE CONDUCTED ON AN OUTPATIENT BASIS. IF CONDUCTED ON AN INPATIENT BASIS, THE PATIENT SHALL BE OFFERED THE OPPORTUNITY TO MAKE VOLUNTARY APPLICATION FOR ADMISSION TO THE EVALUATION AGENCY.

B. IF, FROM REVIEW OF THE PETITION FOR EVALUATION, THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPOSED PATIENT IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR OTHERS AND THAT THE PERSON IS LIKELY TO PRESENT A DANGER TO SELF OR OTHERS PRIOR TO HIS HEARING ON COURT-ORDERED TREATMENT, THE COURT SHALL ORDER THE PROPOSED PATIENT TAKEN INTO CUSTODY AND EVALUATED AT AN EVALUATION AGENCY.

LAWS OF ARIZONA

C. IF THE PERSON IS DETAINED OR DOES NOT MAKE VOLUNTARY APPLICATION FOR ADMISSION, THE PERSON SHALL BE INFORMED OF HIS RIGHTS TO A HEARING TO DETERMINE WHETHER HE SHOULD BE HOSPITALIZED FOR EVALUATION AND BE REQUIRED TO BE REPRESENTED AT THE HEARING BY AN ATTORNEY. HE SHALL BE ADVISED THAT IF HE CANNOT EMPLOY AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY FOR HIM. IF THE PROPOSED PATIENT REQUESTS A HEARING TO DETERMINE WHETHER HE SHOULD UNDERGO HOSPITALIZATION DURING EVALUATION, THE COURT SHALL SCHEDULE A HEARING AT ITS FIRST OPPORTUNITY.

36-551. Evaluation and treatment

A PERSON ADMITTED TO AN EVALUATION AGENCY SHALL RECEIVE AN EVALUATION AS SOON AS POSSIBLE AFTER THE COURT'S ORDER FOR EVALUATION AND RECEIVE CARE AND TREATMENT AS REQUIRED BY HIS CONDITION FOR THE FULL PERIOD THAT HE IS BEING EVALUATED.

36-552. Evaluation; possible dispositions; release

A. A PERSON BEING EVALUATED ON AN INPATIENT BASIS IN AN EVALUATION AGENCY SHALL BE RELEASED WITHIN SEVENTY-TWO HOURS FROM THE TIME THAT HE IS HOSPITALIZED PURSUANT TO A COURT ORDER FOR EVALUATION IF, IN THE OPINION OF THE MEDICAL DIRECTOR OF THE AGENCY, THE PERSON IS NO LONGER, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS NOR GRAVELY DISABLED, UNLESS THE PERSON MAKES APPLICATION FOR FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS.

B. IF IT IS DETERMINED UPON AN EVALUATION OF THE PATIENT'S CONDITION THAT HE IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS, THE MEDICAL DIRECTOR IN CHARGE OF THE AGENCY WHICH PROVIDED THE EVALUATION SHALL FILE IN THE COURT A PETITION FOR COURT-ORDERED TREATMENT, UNLESS THE PERSON MAKES APPLICATION FOR FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS.

LAWS OF ARIZONA

C. IF IT IS DETERMINED UPON AN EVALUATION OF THE PATIENT'S CONDITION THAT HE IS, AS A RESULT OF A MENTAL DISORDER, GRAVELY DISABLED THE MEDICAL DIRECTOR IN CHARGE OF THE AGENCY WHICH PROVIDED THE EVALUATION SHALL FILE IN THE COURT A SIGNED PETITION REQUESTING GUARDIANSHIP PURSUANT TO ARTICLE 8 OF THIS CHAPTER UNLESS UPON THE PERSON'S APPLICATION FOR FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS, THE MEDICAL DIRECTOR DETERMINES THAT TREATMENT ON A VOLUNTARY BASIS IS PREFERABLE.

ARTICLE 5. COURT-ORDERED TREATMENT

36-554. **Court-ordered treatment**

A PERSON WHO HAS RECEIVED AN EVALUATION MAY BE ORDERED CONFINED FOR TREATMENT FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON IS, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS.

36-555. **Petition for treatment**

A. AFTER EVALUATION OF A PATIENT'S CONDITION THE MEDICAL DIRECTOR IN CHARGE OF THE AGENCY WHICH PROVIDED THE EVALUATION MAY FILE IN THE COURT A SIGNED PETITION ON THE PRESCRIBED FORM REQUESTING COURT-ORDERED TREATMENT. THE PETITION SHALL ALLEGE:

1. THE PATIENT IS IN NEED OF A PERIOD OF TREATMENT BECAUSE HE IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS; AND
2. THE PATIENT IS UNWILLING TO ACCEPT OR INCAPABLE OF ACCEPTING TREATMENT VOLUNTARILY; AND
3. A SUMMARY OF THE FACTS WHICH SUPPORT THE ALLEGATIONS OF PARAGRAPHS 1 AND 2.

THE PETITION SHALL REQUEST THE COURT TO ISSUE AN ORDER REQUIRING THE PERSON TO UNDERGO A PERIOD OF TREATMENT.

LAWS OF ARIZONA

B. THE PETITION SHALL BE SUPPORTED BY THE AFFIDAVITS OF THE INDIVIDUAL WHO REQUESTED THE PATIENT'S EVALUATION AND AFFIDAVITS OF THE TWO PHYSICIANS WHO CONDUCTED THE EXAMINATIONS DURING THE EVALUATION PERIOD. THE AFFIDAVITS SHALL DESCRIBE IN DETAIL THE BEHAVIOR WHICH INDICATES THAT THE PERSON IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS AND SHALL BE BASED UPON FACTS WITHIN THE AFFIANT'S PERSONAL KNOWLEDGE.

36-556. Change to voluntary status; discharge

IF, AFTER A PETITION FOR COURT-ORDERED TREATMENT HAS BEEN FILED AND PRIOR TO THE HEARING, THE MEDICAL DIRECTOR OF THE AGENCY FINDS THAT THE PATIENT IS NO LONGER, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS, THE MEDICAL DIRECTOR SHALL, AFTER RECEIVING APPROVAL FROM THE COURT, EITHER DISCHARGE THE PATIENT OR ADMIT THE PATIENT FOR FURTHER TREATMENT ON A VOLUNTARY BASIS.

36-557. Detention of proposed patient

A. IF, UPON THE FILING OF A PETITION FOR COURT-ORDERED TREATMENT, THE PATIENT IS NOT THEN DETAINED IN AN AGENCY, THE COURT SHALL ORDER THE DETENTION OF THE PATIENT IN THE AGENCY WHICH CONDUCTED THE EVALUATION IF THE COURT DETERMINES THAT THE PATIENT IS LIKELY TO PRESENT A DANGER TO SELF OR OTHERS BEFORE THE CONCLUSION OF THE HEARING OR IS NOT LIKELY TO APPEAR AT THE HEARING ON THE PETITION IF NOT DETAINED. THE COURT SHALL ISSUE SUCH ORDERS AS ARE NECESSARY TO PROVIDE FOR THE APPREHENSION, TRANSPORTATION AND DETENTION OF THE PATIENT.

B. THE COURT SHALL EITHER RELEASE THE PATIENT OR ORDER THE HEARING TO BE HELD WITHIN SIX DAYS AFTER THE PETITION IS FILED, UNLESS THE PATIENT, UPON CONSULTATION WITH HIS ATTORNEY, DETERMINES THAT IT WOULD BE IN HIS BEST INTEREST TO REQUEST A CONTINUANCE WHICH MAY BE FOR A MAXIMUM OF THIRTY DAYS.

LAWS OF ARIZONA

C. IF THE COURT FINDS THAT THE PATIENT IS NOT, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS, HE SHALL BE RELEASED.

36-558. Service of petition; counsel for proposed patient

A. AT LEAST SEVENTY-TWO HOURS BEFORE THE COURT CONDUCTS THE HEARING ON THE PETITION FOR COURT-ORDERED TREATMENT, A COPY OF THE PETITION AND AFFIDAVITS IN SUPPORT THEREOF AND THE NOTICE OF THE HEARING SHALL BE SERVED UPON THE PATIENT, WHO SHALL BE INFORMED OF THE PURPOSE OF THE HEARING AND SHALL BE ADVISED OF HIS RIGHT TO CONSULT COUNSEL. IF THE PATIENT CANNOT EMPLOY HIS OWN COUNSEL, COUNSEL SHALL BE APPOINTED BY THE COURT AT LEAST THREE DAYS BEFORE THE HEARING. IF AT THE TIME OF THE PETITION FOR EVALUATION, THE PATIENT HAD COUNSEL, THE SAME ATTORNEY SHOULD, IF POSSIBLE, BE APPOINTED TO REPRESENT THE PATIENT AT THE HEARING FOR COURT-ORDERED TREATMENT.

B. THE NOTICE OF THE HEARING SHALL FIX THE TIME AND PLACE FOR THE HEARING, WHICH SHALL BE HELD IN THE COURTROOM OR OTHER PLACE WITHIN THE COUNTY WHICH THE COURT MAY DESIGNATE TO INSURE HUMANE TREATMENT WITH DUE REGARD TO THE COMFORT AND SAFETY OF THE PATIENT AND OTHERS.

36-559. Duties of counsel

A. THE MEDICAL DIRECTOR OF THE AGENCY WHICH CONDUCTED THE EVALUATION SHALL, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE HEARING, MAKE AVAILABLE TO THE PATIENT'S ATTORNEY COPIES OF THE PETITION FOR EVALUATION, PREPETITION SCREENING REPORT, EVALUATION REPORT AND THE PATIENT'S MEDICAL RECORDS.

B. THE PATIENT'S ATTORNEY SHALL, FOR ALL HEARINGS WHETHER FOR EVALUATION OR TREATMENT, FULFILL THE FOLLOWING MINIMAL DUTIES:

1. WITHIN TWENTY-FOUR HOURS OF APPOINTMENT, CONDUCT AN INTERVIEW OF THE PATIENT.

LAWS OF ARIZONA

2. AT LEAST TWENTY-FOUR HOURS PRIOR TO THE HEARING, REVIEW THE PETITION FOR EVALUATION, PREPETITION SCREENING REPORT, EVALUATION REPORT, PETITION FOR TREATMENT AND THE PATIENT'S MEDICAL RECORDS.
3. AT LEAST TWENTY-FOUR HOURS PRIOR TO THE HEARING, INTERVIEW THE PETITIONER, IF AVAILABLE, AND HIS SUPPORTING WITNESSES, IF KNOWN AND AVAILABLE.
4. AT LEAST TWENTY-FOUR HOURS PRIOR TO THE HEARING, INTERVIEW THE PHYSICIANS WHO WILL TESTIFY AT THE HEARING, IF AVAILABLE.
5. AT THE TIME OF THE HEARING, SUBMIT TO THE COURT A WRITTEN REPORT ON ALL PLACEMENT ALTERNATIVES FOR THE CARE AND TREATMENT OF THE PATIENT, STATING WHETHER THEY ARE FEASIBLE AND THE REASONS WHY OR WHY NOT. FAILURE OF THE ATTORNEY TO FULFILL AT LEAST THE DUTIES PRESCRIBED BY PARAGRAPHS 1 THROUGH 5 OF THIS SUBSECTION MAY BE PUNISHED AS CONTEMPT OF COURT.

36-560. Independent evaluator

A PERSON ALLEGED TO BE, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS HAS THE RIGHT TO HAVE AN ANALYSIS OF HIS PSYCHOLOGICAL CONDITION BY AN INDEPENDENT EVALUATOR, EITHER A PHYSICIAN OR CERTIFIED PSYCHOLOGIST WHO IS SELECTED BY THE PATIENT OR HIS ATTORNEY. IF THE PERSON IS UNABLE TO AFFORD SUCH EVALUATION, THE COURT SHALL APPOINT A PHYSICIAN OR PSYCHOLOGIST ACCEPTABLE TO THE PATIENT FROM A LIST OF PHYSICIANS AND PSYCHOLOGISTS WHO ARE WILLING TO ACCEPT COURT APPOINTED EVALUATIONS.

36-561. Conduct of hearing

A. THE MEDICAL DIRECTOR OF THE AGENCY SHALL ISSUE INSTRUCTIONS TO THE PHYSICIANS TREATING THE PATIENT TO TAKE ALL REASONABLE PRECAUTIONS TO INSURE THAT AT THE TIME OF THE HEARING THE PERSON ALLEGED TO BE, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR

LAWS OF ARIZONA

OTHERS, SHALL NOT BE SO UNDER THE INFLUENCE OF OR SO SUFFER THE EFFECTS OF DRUGS, MEDICATION OR OTHER TREATMENT AS TO BE HAMPERED IN PREPARING FOR OR PARTICIPATING IN THE HEARING. THE COURT AT THE TIME OF THE HEARING SHALL BE PRESENTED A RECORD OF ALL DRUGS, MEDICATION OR OTHER TREATMENT WHICH THE PERSON HAS RECEIVED DURING THE SEVENTY-TWO HOURS IMMEDIATELY PRIOR TO THE HEARING.

B. THE PATIENT AND HIS ATTORNEY SHALL BE PRESENT AT ALL HEARINGS AND THE PATIENT'S ATTORNEY MAY SUBPOENA AND CROSS-EXAMINE WITNESSES AND PRESENT EVIDENCE. THE EVIDENCE PRESENTED BY THE PETITIONER OR THE PATIENT SHALL INCLUDE THE CLINICAL RECORD OF THE PATIENT, TESTIMONY OF TWO OR MORE WITNESSES ACQUAINTED WITH THE PATIENT AT THE TIME OF THE ALLEGED MENTAL DISORDER AND TESTIMONY OF THE TWO PHYSICIANS WHO PERFORMED EXAMINATIONS IN THE EVALUATION OF THE PATIENT. THE PHYSICIANS SHALL TESTIFY AS TO THEIR PERSONAL EXAMINATION OF THE PATIENT. THEY SHALL ALSO TESTIFY AS TO THEIR OPINIONS CONCERNING WHETHER THE PATIENT IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS AND AS TO WHETHER THE PATIENT REQUIRES TREATMENT. SUCH TESTIMONY SHALL STATE SPECIFICALLY THE NATURE AND EXTENT OF THE DANGER TO SELF OR TO OTHERS. OTHER PERSONS WHO HAVE PARTICIPATED IN THE EVALUATION OF THE PATIENT, OR, IF FURTHER TREATMENT WAS REQUESTED BY A MENTAL HEALTH TREATMENT AGENCY, PERSONS OF THAT AGENCY WHO ARE DIRECTLY INVOLVED IN THE CARE OF THE PATIENT SHALL TESTIFY AT THE REQUEST OF THE COURT OR OF THE PATIENT'S ATTORNEY. WITNESSES SHALL TESTIFY AS TO POSSIBLE TREATMENT ALTERNATIVES.

C. IF THE PATIENT, FOR MEDICAL REASONS, IS UNABLE TO BE PRESENT AT THE HEARING AND THE HEARING CANNOT BE CONDUCTED WHERE THE PATIENT IS BEING TREATED OR CONFINED, THE COURT SHALL REQUIRE CLEAR AND CONVINCING EVIDENCE THAT THE PATIENT IS UNABLE TO BE PRESENT AT THE HEARING AND UPON SUCH A FINDING MAY PROCEED WITH THE HEARING IN THE PATIENT'S ABSENCE.

LAWS OF ARIZONA

D. THE REQUIREMENTS OF SUBSECTION B ARE IN ADDITION TO ALL RULES OF EVIDENCE AND THE ARIZONA RULES OF CIVIL PROCEDURE, NOT INCONSISTENT THEREWITH.

E. A COURT REPORTER SHALL ATTEND THE HEARING AND SHALL MAKE A STENOGRAPHIC RECORD OF ALL PROCEEDINGS.

F. A PATIENT WHO HAS BEEN ORDERED TO UNDERGO TREATMENT MAY REQUEST A CERTIFIED TRANSCRIPT OF THE HEARING. TO OBTAIN A COPY, THE PATIENT SHALL PAY FOR A TRANSCRIPT OR SHALL FILE AN AFFIDAVIT THAT HE IS WITHOUT MEANS TO PAY FOR A TRANSCRIPT. IF THE AFFIDAVIT IS FOUND TRUE BY THE COURT, THE EXPENSE OF THE TRANSCRIPT IS TO BE A CHARGE UPON THE COUNTY IN WHICH THE PROCEEDINGS WERE HELD.

36-562. Court options

A. IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPOSED PATIENT IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO HIMSELF AND IN NEED OF TREATMENT, THE COURT SHALL ORDER HIM TO UNDERGO TREATMENT FOR UP TO ONE HUNDRED EIGHTY DAYS IN A MENTAL HEALTH TREATMENT AGENCY, IN A VETERANS ADMINISTRATION HOSPITAL PURSUANT TO ARTICLE 9 OF THIS CHAPTER, OR IN THE STATE HOSPITAL, SUBJECT TO THE LIMITATIONS OF SECTION 36-563, UNLESS THE COURT FINDS SUITABLE ALTERNATIVE TREATMENT.

B. IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPOSED PATIENT IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO OTHERS AND IN NEED OF TREATMENT, THE COURT SHALL ORDER HIM TO UNDERGO TREATMENT FOR UP TO ONE HUNDRED EIGHTY DAYS IN A MENTAL HEALTH TREATMENT AGENCY, IN A VETERANS ADMINISTRATION HOSPITAL PURSUANT TO ARTICLE 9 OF THIS CHAPTER, OR IN THE STATE HOSPITAL, SUBJECT TO THE LIMITATIONS OF SECTION 36-563, UNLESS THE COURT FINDS SUITABLE ALTERNATIVE TREATMENT.

LAWS OF ARIZONA

C. IF THE COURT FINDS THAT THE PROPOSED PATIENT IS, AS A RESULT OF MENTAL DISORDER, GRAVELY DISABLED THE COURT SHALL IN LIEU OF MAKING ORDERS AS IN SUBSECTION A OF THIS SECTION, OR THE COURT MAY IN ADDITION TO OR IN LIEU OF MAKING ORDERS AS IN SUBSECTION B OF THIS SECTION ESTABLISH GUARDIANSHIP FOR THE PERSON OR CONSERVATORSHIP FOR THE ESTATE OF THE PERSON OR BOTH PURSUANT TO ARTICLE 8 OF THIS CHAPTER AND PURSUANT TO TITLE 14.

D. THE COURT SHALL FILE A REPORT AS PART OF THE COURT RECORD ON ITS FINDINGS OF ALTERNATIVE TREATMENT.

E. IN NO EVENT SHALL TREATMENT INCLUDE PSYCHOSURGERY, LOBOTOMY OR ANY OTHER BRAIN SURGERY WITHOUT SPECIFIC INFORMED CONSENT OF THE PATIENT OR HIS LEGAL GUARDIAN AND AN ORDER OF THE SUPERIOR COURT IN THE COUNTY IN WHICH THE TREATMENT IS PROPOSED, APPROVING WITH SPECIFICITY THE USE OF SUCH TREATMENT.

36-563. Mandatory local treatment

A PATIENT WHO IS ORDERED BY A COURT TO UNDERGO TREATMENT, IF NOT HOSPITALIZED IN THE STATE HOSPITAL AT THE TIME OF THE ORDER AND IF NOT ORDERED TO UNDERGO TREATMENT IN A VETERANS ADMINISTRATION HOSPITAL, SHALL UNDERGO TREATMENT FOR AT LEAST TWENTY-FIVE DAYS IN A LOCAL MENTAL HEALTH TREATMENT AGENCY GEOGRAPHICALLY CONVENIENT FOR THE PATIENT BEFORE BEING HOSPITALIZED IN THE STATE HOSPITAL. THIS SECTION SHALL NOT APPLY IF THE SUPERINTENDENT, IN CONSULTATION WITH THE MEDICAL DIRECTOR OF A LOCAL MENTAL HEALTH TREATMENT AGENCY AND SUBJECT TO THE APPROVAL OF THE DIRECTOR, SEEKS COURT DETERMINATION THAT THE PATIENT'S PRESENT CONDITION AND HISTORY DEMONSTRATES THAT THE PATIENT WILL NOT BENEFIT FROM THE REQUIRED PERIOD OF TREATMENT IN A LOCAL MENTAL HEALTH TREATMENT AGENCY OR THAT THE STATE HOSPITAL PROVIDES A PROGRAM WHICH IS SPECIFIC TO THE NEEDS OF THE PATIENT AND IS UNAVAILABLE IN THE LOCAL MENTAL HEALTH TREATMENT AGENCY, OR WHEN THERE IS NO LOCAL MENTAL

LAWS OF ARIZONA

HEALTH TREATMENT AGENCY READILY AVAILABLE TO THE PATIENT. THE PATIENT MAY BE IMMEDIATELY HOSPITALIZED AT THE STATE HOSPITAL WHENEVER THE COURT DETERMINES THAT THIS SECTION DOES NOT APPLY.

36-564. Release from treatment

A PATIENT ORDERED BY A COURT TO UNDERGO TREATMENT UNDER THE PROVISIONS OF SECTION 36-562 SHALL BE RELEASED FROM TREATMENT AT THE EXPIRATION OF THE PERIOD OF TREATMENT ORDERED UNLESS ONE OF THE FOLLOWING OCCURS:

1. THE MEDICAL DIRECTOR OF THE AGENCY IN WHICH THE PATIENT IS DETAINED RECOMMENDS GUARDIANSHIP PURSUANT TO ARTICLE 8 OF THIS CHAPTER AT LEAST TEN DAYS PRIOR TO THE RELEASE DATE, IN WHICH CASE THE INDIVIDUAL MAY BE RETAINED FOR THE ADDITIONAL TIME AS REQUIRED FOR THE HEARING ON GUARDIANSHIP AS REQUIRED IN SECTION 36-584.
2. THE PERSON ACCEPTS VOLUNTARY TREATMENT AT THE AGENCY.
3. THE MEDICAL DIRECTOR OF THE AGENCY IN WHICH THE PERSON IS HOSPITALIZED, AT LEAST TEN DAYS PRIOR TO HIS RELEASE DATE, FILES A NEW PETITION FOR COURT-ORDERED TREATMENT ON THE GROUNDS THAT THE PERSON IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS. THE NEW PETITION SHALL BE FILED IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PATIENT IS BEING TREATED.

36-565. Release of patient prior to expiration of period ordered by court; change to voluntary status

A. A PATIENT ORDERED HOSPITALIZED FOR TREATMENT WHO WAS FOUND IN THE COURT'S ORDER FOR TREATMENT TO BE A DANGER TO SELF OR A DANGER TO OTHERS, MAY BE RELEASED FROM TREATMENT PRIOR TO THE EXPIRATION OF THE PERIOD ORDERED BY THE COURT WHEN, IN THE OPINION OF THE MEDICAL DIRECTOR OF THE AGENCY, THE PATIENT NO LONGER IS, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR A DANGER TO OTHERS. THE PATIENT MAY AGREE TO CONTINUE TREATMENT VOLUNTARILY.

LAWS OF ARIZONA

B. IF A PATIENT, HAVING BEEN ORDERED TO UNDERGO TREATMENT AS A DANGER TO SELF, IS RELEASED PURSUANT TO SUBSECTION A OF THIS SECTION, THE MEDICAL DIRECTOR OF THE AGENCY SHALL SEND TO THE COURT WHICH ENTERED THE ORDER FOR TREATMENT A CERTIFICATE THAT THE PATIENT IS, IN THE OPINION OF THE MEDICAL DIRECTOR, NO LONGER A DANGER TO SELF AND IS, OR SHALL BE, DISCHARGED. THE COURT SHALL ENTER AN ORDER TERMINATING THE PATIENT'S COURT-ORDERED TREATMENT.

C. IF A PATIENT, HAVING BEEN ORDERED TO UNDERGO TREATMENT AS A DANGER TO OTHERS, IS RELEASED PURSUANT TO SUBSECTION A OF THIS SECTION, THE MEDICAL DIRECTOR OF THE AGENCY SHALL SEND TO THE COURT WHICH ENTERED THE ORDER FOR TREATMENT A CERTIFICATE THAT THE PATIENT IS, IN THE OPINION OF THE MEDICAL DIRECTOR, NO LONGER A DANGER TO OTHERS AND IS, OR SHALL BE, DISCHARGED. THE COURT SHALL ENTER AN ORDER TERMINATING THE PATIENT'S COURT-ORDERED TREATMENT.

D. THE MEDICAL DIRECTOR OF THE AGENCY SHALL NOT BE HELD CIVILLY LIABLE FOR ANY ACTS COMMITTED BY THE RELEASED PATIENT.

36-566. Unauthorized absences

A. WHEN ANY PATIENT WHO IS BEING EVALUATED OR TREATED IS ABSENT WITHOUT PROPER AUTHORIZATION FROM AN AGENCY, ANY PEACE OFFICER, UPON VERBAL OR WRITTEN REQUEST OF THE MEDICAL DIRECTOR OF THE AGENCY AND WITHOUT THE NECESSITY OF A WARRANT OR COURT ORDER, SHALL, OR ANY OFFICER OR EMPLOYEE OF THE AGENCY WHO HAS BEEN PREVIOUSLY DESIGNATED IN WRITING BY THE MEDICAL DIRECTOR OF THE AGENCY TO PERFORM SUCH DUTIES, MAY TAKE INTO CUSTODY AND DELIVER SUCH PATIENT TO THE AGENCY. SUCH OFFICERS AND EMPLOYEES OF THE AGENCY HAVE THE POWERS AND DUTIES OF PEACE OFFICERS SO FAR AS IS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

B. ANY PERSON WHO INTENTIONALLY ASSISTS ANY PATIENT BEING EVALUATED OR TREATED IN AN AGENCY TO BE ABSENT

LAWS OF ARIZONA

OR TO ATTEMPT TO BE ABSENT FROM SUCH AGENCY WITHOUT PROPER AUTHORIZATION OR TO RESIST BEING RETURNED TO SUCH FACILITY AFTER SUCH ABSENCE IS GUILTY OF A MISDEMEANOR.

ARTICLE 6. COSTS AND SERVICES

36-568. Voluntary admissions to the state hospital; reimbursements; indigents

THE DIRECTOR SHALL ESTABLISH THE AMOUNT WHICH WILL FULLY REIMBURSE THE STATE FOR THE EXPENSE OF EXAMINING, EVALUATING, TREATING AND MAINTAINING THE PATIENT. THE STATE HOSPITAL SHALL CHARGE THE PATIENT ALL OR SUCH PORTION OF THE ESTABLISHED AMOUNT AS THE PATIENT CAN AFFORD. IF THE PATIENT IS INDIGENT, NO CHARGE SHALL BE MADE. THE STATE HOSPITAL SHALL REQUIRE PROMPT PAYMENT OF THE CHARGE.

36-569. Payment of costs and expenses by person hospitalized other than voluntarily in the state hospital; ascertainment of ability to pay; power and duty of court; acceptance of other benefits; per capita cost limitation; appointment of guardian; parental liability; lien; duty of county attorney

A. WHEN A PATIENT IS ADMITTED TO THE STATE HOSPITAL FOR COURT-ORDERED TREATMENT PURSUANT TO ARTICLE 5 OF THIS CHAPTER, THE BUSINESS MANAGER OF THE STATE HOSPITAL SHALL INQUIRE INTO THE ABILITY OF THE PATIENT TO PAY THE COSTS OF EXAMINATION, MAINTENANCE AND TREATMENT. THE BUSINESS MANAGER SHALL FILE WITH THE CLERK OF THE COURT A WRITTEN REPORT OF HIS FINDINGS AND THE BASIS THEREFOR.

B. IF THE PATIENT IS ABLE TO PAY ALL OR ANY PORTION OF THE CHARGES, THE COURT SHALL ORDER THE PAYMENT OF SUCH AMOUNT AS THE PATIENT CAN AFFORD OF THE PER CAPITA COST FOR EXAMINATION, TREATMENT AND MAINTENANCE AS ESTIMATED BY THE DIRECTOR. THE COURT MAY, UPON PETITION OF AN INTERESTED PERSON, AND AT A HEARING OF WHICH ALL CONCERNED PARTIES HAVE RECEIVED NOTICE, INCREASE OR DECREASE THE MAINTENANCE CHARGE PAYABLE BY THE PATIENT OR HIS ESTATE.

LAWS OF ARIZONA

C. NOTWITHSTANDING ANY PROVISION OF SUBSECTION B, ANY FEDERAL, STATE, PUBLIC OR PRIVATE MEDICAL BENEFITS WHICH ARE PAYABLE TO THE STATE HOSPITAL WHERE THE PATIENT IS RECEIVING CARE AND TREATMENT OR PAYABLE TO THE PATIENT MAY BE ACCEPTED BY THE STATE HOSPITAL WITHOUT A COURT ORDER, EXCEPT THAT THE STATE HOSPITAL SHALL NOT ACCEPT ANY SUCH BENEFITS WHICH ALONE OR IN ADDITION TO ANY AMOUNTS PAYABLE PURSUANT TO SUBSECTION B EXCEED THE PER CAPITA COST FOR THE PATIENT.

D. THE COURT MAY, IF NECESSARY, APPOINT A CONSERVATOR OF THE PATIENT TO CARRY OUT THE PROVISIONS OF THIS SECTION. IF A CONSERVATOR IS APPOINTED, THE CLERK OF THE COURT SHALL FILE A CERTIFICATE SO STATING. ALL PROCEEDINGS RELATING TO SUCH CONSERVATORSHIP SHALL BE HAD AS PROVIDED BY LAW FOR CONSERVATORS OF ESTATES. THE CONSERVATOR SHALL PAY THE AMOUNT ORDERED BY THE COURT AS IN SUBSECTION B.

E. IF THE PATIENT IS A MINOR, THE BUSINESS MANAGER OF THE STATE HOSPITAL SHALL INQUIRE INTO THE ABILITY OF THE PARENTS OF SUCH MINOR TO BEAR CHARGES PURSUANT TO THIS SECTION. ALL OBLIGATIONS, CHARGES AND LIENS THAT MAY BE IMPOSED ON A PATIENT PURSUANT TO THIS SECTION SHALL BE IMPOSED ON THE PARENTS OF SUCH MINOR PATIENT IF IT IS DETERMINED THAT THE PARENTS HAVE THE ABILITY TO PAY.

F. THE CHARGES FIXED BY THE COURT AS PROVIDED BY THIS SECTION AND ORDERED PAID BY THE PATIENT OR HIS ESTATE SHALL, UPON FILING WITH THE COUNTY RECORDER, BECOME A LIEN UPON PROPERTY OF THE PATIENT OR HIS ESTATE.

G. THE COUNTY ATTORNEY OF EACH COUNTY SHALL, UPON ORDER OF A JUDGE OF THE SUPERIOR COURT, ENFORCE THE LIEN AND COLLECT THE CHARGES FROM THE PERSON ORDERED TO PAY IF THE CHARGES BECOME DELINQUENT.

H. NO COSTS OF EXAMINATION, TREATMENT AND

LAWS OF ARIZONA

MAINTENANCE SHALL BE CHARGED TO ANY PATIENT FOUND BY A COMPETENT COURT OF JURISDICTION TO BE UNLAWFULLY DETAINED.

36-570. State hospital reimbursements; disposition of funds; state tax purposes

A. ALL MONIES COLLECTED PURSUANT TO SECTIONS 36-568 AND 36-569 FOR EXAMINATION, EVALUATION, TREATMENT AND MAINTENANCE OF PATIENTS SHALL BE PAID TO THE STATE TREASURER AND DEPOSITED IN THE STATE GENERAL FUND.

B. ALL MONIES DEPOSITED IN THE STATE GENERAL FUND AS A RESULT OF THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED IN FIXING THE RATE OF TAXATION FOR STATE PURPOSES.

36-571. Payment of costs and expenses by person hospitalized in private or voluntary nonprofit facility

ALL COSTS IN CONNECTION WITH A PATIENT HOSPITALIZED IN A PRIVATE OR VOLUNTARY NONPROFIT FACILITY, INCLUDING COSTS FOR EVALUATION, SHALL BE BORNE BY THE PATIENT, HIS PARENTS, SPOUSE, GUARDIAN OR ESTATE AND SHALL NOT BE A CHARGE AGAINST THE STATE OR COUNTY EXCEPT AS PROVIDED IN SECTION 36-573.

36-572. Costs of court proceedings; compensation for evaluation and testimony

A. EXCEPT AS PROVIDED IN THIS CHAPTER, COSTS OF COURT PROCEEDINGS AND COST OF SERVICES PROVIDED BY A COUNTY PURSUANT TO ARTICLE 4 ARE A CHARGE AGAINST THE COUNTY IN WHICH THE PATIENT RESIDED OR WAS FOUND PRIOR TO HOSPITALIZATION. THE CLERK OF THE SUPERIOR COURT IN THE COUNTY WHERE THE PROCEEDINGS ARE HELD SHALL CERTIFY TO THE BOARD OF SUPERVISORS OF THE COUNTY WHERE THE PATIENT RESIDED OR WAS FOUND PRIOR TO HOSPITALIZATION THAT SUCH PROCEEDINGS WERE HELD AND THE AMOUNT OF THE BALANCE OF THE INCURRED COSTS.

LAWS OF ARIZONA

B. IF A PHYSICIAN, PSYCHOLOGIST OR SOCIAL WORKER IS NOT OTHERWISE COMPENSATED FOR EVALUATING A PERSON OR FOR TESTIFYING AT A HEARING, OR BOTH, THE PHYSICIAN, PSYCHOLOGIST OR SOCIAL WORKER SHALL BE PAID BY THE COUNTY, AN AMOUNT DETERMINED REASONABLE BY THE COURT, SUBJECT TO THE SAME LIMITATIONS AS IMPOSED UPON COMPENSATION FOR ATTORNEYS IN HEARINGS, AS PROVIDED BY SECTION 13-1673. THESE PAYMENTS SHALL BE MADE AS A PART OF THE COSTS OF COURT PROCEEDINGS AS IN SUBSECTION A OF THIS SECTION.

36-573. Charges for treatment given by agencies under department contract; charges for prepetition screening and court-ordered evaluation prohibited

A. WHEN A PERSON IS GIVEN A PREPETITION SCREENING, OR A COURT-ORDERED EVALUATION BY A SCREENING AGENCY OR EVALUATION AGENCY PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS CHAPTER, THE PERSON SHALL NOT BE CHARGED.

B. WHEN A PATIENT IS GIVEN VOLUNTARY TREATMENT PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF THIS CHAPTER OR COURT-ORDERED TREATMENT PURSUANT TO THE PROVISIONS OF ARTICLE 5 OF THIS CHAPTER, THE PATIENT OR PROPOSED PATIENT WILL PAY ALL OR SUCH PORTION OF THE ESTABLISHED CHARGES AS THE PATIENT CAN AFFORD. IF THE PATIENT IS INDIGENT NO CHARGES SHALL BE MADE AGAINST HIM.

36-574. County services

A. EACH COUNTY, OR ANY COMBINATION OF COUNTIES, SHALL PROVIDE DIRECTLY OR BY CONTRACT THE SERVICES OF A SCREENING AGENCY AND AN EVALUATION AGENCY FOR THE PURPOSES OF THIS CHAPTER.

B. UPON A REQUEST MADE BY A RESIDENT OF THE COUNTY PURSUANT TO THIS CHAPTER, A COUNTY SHALL BE REQUIRED TO PROVIDE SCREENING OR EVALUATION.

36-575. Contracts between the department and screening agencies, evaluation agencies and mental health treatment agencies;

LAWS OF ARIZONA

services provided under contract; plan for services; development of plan; development of local plan; specification of services required; participation of others; schedule of charges and reduced charges

A. THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH SCREENING AGENCIES, EVALUATION AGENCIES AND MENTAL HEALTH TREATMENT AGENCIES TO PROVIDE PREPETITION SCREENINGS, COURT-ORDERED EVALUATIONS, VOLUNTARY EVALUATIONS, TREATMENT OF VOLUNTARY PATIENTS AND TREATMENT OF PATIENTS UNDER THE PROVISIONS OF SECTION 36-545 REGARDLESS OF THE ABILITY OF THE PATIENT OR PROPOSED PATIENT TO PAY. A COUNTY MAY BE A PARTY TO A CONTRACT AS A PROVIDER OF SERVICES OR AS A PARTY MAKING PAYMENTS TO AN AGENCY TO PROVIDE SERVICES ON THE PART OF THE COUNTY. THE STATE HOSPITAL MAY BE INCLUDED IN THE CONTRACT AS A PROVIDER OF SERVICES AND MAY RECEIVE CONSIDERATION NOT INCONSISTENT WITH LAW.

B. CONTRACTS TO PROVIDE SERVICES AS IN SUBSECTION A OF THIS SECTION WILL BE ENTERED INTO IN ACCORDANCE WITH A PLAN OF THE DEPARTMENT. THIS PLAN WILL BE DEVELOPED IN ACCORDANCE WITH THE STATE COMPREHENSIVE HEALTH PLAN AND IN ACCORDANCE WITH A PLAN OF THE LOCAL HEALTH PLANNING AGENCY SUBMITTED TO AND APPROVED BY THE DIRECTOR, EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION.

C. IF THERE IS NO RECOGNIZED LOCAL HEALTH PLANNING AGENCY OR IF THE LOCAL HEALTH PLANNING AGENCY DOES NOT SUBMIT A PLAN WHICH WILL, IN THE JUDGMENT OF THE DIRECTOR, FULFILL THE REQUIREMENTS FOR SERVICES OF SUBSECTION A OF THIS SECTION, THE DIRECTOR MAY DEVELOP A PLAN AND REQUIRE THAT IT BE FOLLOWED IN LIEU OF A PLAN OF THE LOCAL HEALTH PLANNING AGENCY. THE PLAN OF THE DIRECTOR SHALL BE ADOPTED AFTER HOLDING A HEARING AND FULFILLING THE REQUIREMENTS OF TITLE 41, CHAPTER 6, ARTICLE 1.

D. IF FUNDS AT THE DISPOSAL OF THE DEPARTMENT ARE USED FOR SERVICES AS IN SUBSECTION A OF THIS SECTION, THE CONTRACT MUST CONFORM TO THE REQUIREMENTS OF SECTION 36-189, SUBSECTION B.

LAWS OF ARIZONA

E. A CONTRACT TO PROVIDE SERVICES AS IN SUBSECTION A OF THIS SECTION MUST SPECIFY THE SERVICES TO BE PROVIDED AS TO THEIR NATURE, QUALITY, PURPOSE, NUMBER, EXTENT AND LIMITATIONS IF ANY, OR ANY OTHER REQUIREMENTS THE DIRECTOR DEEMS NECESSARY FOR THE PROPER ADMINISTRATION OF SERVICES UNDER THE PLAN OF THE DEPARTMENT.

F. A CONTRACT MAY SPECIFY THAT THE COUNTY'S PARTICIPATION FULFILLS IN FULL OR IN PART THE REQUIREMENTS OF THE COUNTY TO PROVIDE SERVICES UNDER SECTION 36-574 AND THE REQUIREMENTS OF THE COUNTY TO PAY THE COST OF SERVICES UNDER SECTION 36-572.

ARTICLE 7. JUDICIAL REVIEW

36-576. Judicial review; right to be informed, request; jurisdiction

A. IN ADDITION TO THE PROCEDURE FOR APPLYING FOR A WRIT OF HABEAS CORPUS, AS PROVIDED IN TITLE 13, CHAPTER 8, A PATIENT RECEIVING COURT-ORDERED TREATMENT OR ANY PERSON ACTING ON HIS BEHALF, MAY REQUEST THE PATIENT'S RELEASE PURSUANT TO THE FOLLOWING:

1. A REQUEST IN WRITING MAY BE PRESENTED TO ANY MEMBER OF THE TREATMENT STAFF OF THE AGENCY PROVIDING THE PATIENT'S TREATMENT. THE REQUEST MAY BE MADE ON A PRESCRIBED FORM WHICH SHALL BE PREPARED BY THE FACILITY AND MADE AVAILABLE FOR USE BY ANY PERSON. THE COMPLETED FORM SHALL IDENTIFY:

(a) THE PATIENT BEING TREATED AND THE AGENCY AT WHICH HE IS BEING TREATED.

(b) THE PERSON TO WHOM THE REQUEST FOR RELEASE WAS MADE.

(c) THE PERSON MAKING THE REQUEST FOR RELEASE, INDICATING WHETHER THE PERSON IS THE PATIENT BEING TREATED OR SOMEONE ACTING ON HIS BEHALF.

LAWS OF ARIZONA

2. THE REQUEST, WHEN SIGNED AND DATED BY THE PERSON MAKING THE REQUEST FOR RELEASE, SHALL BE DELIVERED TO THE MEDICAL DIRECTOR OF THE AGENCY AND HE SHALL IMMEDIATELY DELIVER THE FORM TO THE CLERK OF THE COURT. IF THE PERSON PRESENTING THE REQUEST REFUSES TO SIGN THE FORM, THE MEDICAL DIRECTOR OF THE AGENCY SHALL PROCEED AS IF THE FORM HAD BEEN SIGNED AND SHALL NOTE ON THE FORM THE CIRCUMSTANCES AS TO WHY THE FORM WAS NOT SIGNED.

B. THE PATIENT SHALL BE INFORMED OF HIS RIGHT TO JUDICIAL REVIEW BY THE MEDICAL DIRECTOR OF THE AGENCY AND HIS RIGHT TO CONSULT WITH COUNSEL AT LEAST ONCE EACH SIXTY DAYS WHILE HE IS UNDERGOING COURT-ORDERED TREATMENT. THE NOTIFICATION REQUIRED BY THIS SUBSECTION SHALL BE RECORDED IN THE CLINICAL RECORD OF THE PATIENT BY THE INDIVIDUAL WHO GAVE THE NOTICE.

C. THE REQUEST PROVIDED FOR IN SUBSECTION A MAY NOT BE MADE SOONER THAN SIXTY DAYS AFTER THE ISSUANCE OF THE ORDER FOR TREATMENT OR A HEARING ON A PREVIOUS PETITION FOR HABEAS CORPUS.

D. JUDICIAL REVIEW SHALL BE IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PATIENT IS BEING TREATED. THAT COURT MAY REVIEW THE ADDITIONAL MATERIAL PRESENTED AND ENTER ITS ORDER WITHOUT NECESSITY OF FURTHER HEARING.

E. THE REVIEWING COURT MAY ORDER A FURTHER HEARING UPON AFFIDAVIT OF THE ATTORNEY FOR THE PATIENT SETTING FORTH THE NEED FOR FURTHER EVIDENTIARY HEARING AND THE REASONS WHY THE HEARING IS NECESSARY PRIOR TO TIME SET FOR THE RELEASE OF THE PATIENT.

F. THE PATIENT SHALL BE INFORMED OF HIS RIGHT TO CONSULT AN ATTORNEY BY THE PERSON OR COURT TO WHOM HE MAKES HIS REQUEST FOR RELEASE AT THE TIME HE MAKES SUCH REQUEST AND, IN THE CASE OF CONFINEMENT IN AN AGENCY, BY THE REVIEWING COURT WITHIN ONE DAY OF ITS RECEIPT OF NOTICE FROM THE MEDICAL DIRECTOR OF THE AGENCY WHEREIN THE PATIENT IS BEING TREATED. THE

LAWS OF ARIZONA

PATIENT SHALL BE PERMITTED TO CONSULT AN ATTORNEY TO ASSIST HIM IN PREPARATION OF A PETITION FOR THE WRIT OF HABEAS CORPUS AND TO REPRESENT HIM IN THE HEARING. IF HE IS NOT REPRESENTED BY AN ATTORNEY, THE REVIEWING COURT SHALL, WITHIN TWO DAYS OF ITS NOTICE TO THE PATIENT OF HIS RIGHT TO COUNSEL, APPOINT AN ATTORNEY TO ASSIST HIM IN THE PREPARATION OF A PETITION AND TO REPRESENT HIM IN THE HEARING.

G. THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY, AT LEAST TWENTY-FOUR HOURS PRIOR TO THE HEARING, SHALL PROVIDE THE PATIENT'S ATTORNEY WITH A COPY OF THE PATIENT'S MEDICAL RECORDS.

H. THE PATIENT'S ATTORNEY SHALL FULFILL ALL OF THE FOLLOWING MINIMAL DUTIES:

1. WITHIN TWENTY-FOUR HOURS OF APPOINTMENT CONDUCT AN INTERVIEW WITH THE PATIENT.
2. AT LEAST TWENTY-FOUR HOURS PRIOR TO SUCH HEARING INTERVIEW THE PATIENT'S TREATMENT PHYSICIAN IF AVAILABLE.
3. PRIOR TO THE HEARING EXAMINE THE CLINICAL RECORD OF THE PATIENT.
4. PRIOR TO THE HEARING EXAMINE THE PATIENT'S COURT RECORDS AS TO HIS INVOLUNTARY TREATMENT.

FAILURE OF SUCH ATTORNEY TO FULFILL AT LEAST THE DUTIES PRESCRIBED BY PARAGRAPHS 1 THROUGH 4 OF THIS SUBSECTION MAY BE PUNISHED AS CONTEMPT OF COURT.

36-577. Expedited appeal to the court of appeals

AN ORDER FOR COURT ORDERED TREATMENT MAY BE REVIEWED BY APPEAL TO THE COURT OF APPEALS AS PRESCRIBED IN THE ARIZONA RULES OF CIVIL PROCEDURE OR BY SPECIAL ACTION. SUCH APPEAL OR SPECIAL ACTION SHALL BE ENTITLED TO PREFERENCE.

LAWS OF ARIZONA

ARTICLE 8. GUARDIANSHIP FOR GRAVELY
DISABLED PERSONS

36-581. **Who may have a guardian**

A. A GUARDIAN OR A CONSERVATOR MAY BE APPOINTED PURSUANT TO TITLE 14 AND THE PROVISIONS OF THIS ARTICLE FOR ANY PERSON WHO IS GRAVELY DISABLED AS A RESULT OF MENTAL DISORDER.

B. PROCEDURE FOR ESTABLISHING, ADMINISTERING AND TERMINATING GUARDIANSHIP UNDER THIS ARTICLE SHALL BE THE SAME AS THAT PROVIDED IN TITLE 14, EXCEPT AS FOLLOWS:

1. THE GUARDIANSHIP OF A GRAVELY DISABLED PERSON SHALL BE LIMITED IN TIME PURSUANT TO AN ORDER UNDER SECTION 14-5307, SUBSECTION B, TO A PERIOD OF ONE YEAR FROM THE DATE OF THE APPOINTMENT OF THE GUARDIAN.

2. AT THE DETERMINATION OF AN INITIAL OR SUCCEEDING ONE-YEAR PERIOD OF GUARDIANSHIP, IF A GUARDIAN OF A GRAVELY DISABLED PERSON DETERMINES THAT GUARDIANSHIP IS STILL REQUIRED, HE MAY PETITION THE COURT FOR REAPPOINTMENT AS GUARDIAN FOR AN ADDITIONAL PERIOD NOT TO EXCEED ONE YEAR UNDER THE SAFEGUARDS PROVIDED IN SECTION 14-5303, SUBSECTION B, AND THIS ARTICLE.

3. WHEN A PERSON UNDER GUARDIANSHIP UNDER THE PROVISIONS OF TITLE 14 IS DETERMINED TO BE A GRAVELY DISABLED PERSON UNDER ARTICLE 4 OF THIS CHAPTER OR A DANGER TO HIMSELF IN CONNECTION WITH GRAVE DISABILITY UNDER ARTICLE 5, THE COURT MAY IMPOSE WITH NOTICE UPON THE EXISTING GUARDIAN OR ANOTHER PERSON APPOINTED AS GUARDIAN THE DUTIES OF THIS ARTICLE.

4. AS OTHERWISE PROVIDED IN THIS CHAPTER.

36-582. **Petition**

LAWS OF ARIZONA

WHEN A PETITION FOR GUARDIANSHIP IS INITIATED UNDER ANY APPLICABLE PROVISIONS OF THIS CHAPTER, IN ADDITION TO THE REQUIREMENTS OF TITLE 14, THE PETITION SHALL INCLUDE THE OPINION OF TWO PHYSICIANS THAT THE PERSON FOR WHOM GUARDIANSHIP IS REQUESTED IS GRAVELY DISABLED AS A RESULT OF MENTAL DISORDER.

36-583. Temporary guardianship

FOR PURPOSES OF THIS ARTICLE, TEMPORARY GUARDIANSHIP ORDERED UNDER SECTION 14-5310 WHEN AN EMERGENCY EXISTS SHALL NOT EXCEED THIRTY DAYS.

36-584. Hearing for the appointment of a guardian of a gravely disabled person

IN ADDITION TO THE REQUIREMENTS OF SECTION 14-5303, SUBSECTION B, AND THE NOTICE REQUIREMENTS OF SECTION 14-5309, THE FOLLOWING ARE REQUIRED AS CONDITIONS UPON THE HEARING FOR APPOINTMENT OF GUARDIAN UNDER THE PROVISIONS OF THIS ARTICLE:

1. THE HEARING SHALL TAKE PLACE NO LATER THAN THIRTY DAYS FROM THE FILING OF THE PETITION FOR GUARDIANSHIP.
2. THE NOTICE REQUIRED BY SECTION 14-5309 SHALL BE GIVEN NO LATER THAN FOURTEEN DAYS BEFORE THE TIME SET FOR HEARING.
3. THE PROVISIONS OF SECTION 14-5309, SUBSECTION B, WITH REGARD TO WAIVER DO NOT APPLY TO ANY HEARING OR PROCEEDING UNDER THE PROVISIONS OF THIS ARTICLE.
4. IF A PERSON FOR WHOM GUARDIANSHIP AS A GRAVELY DISABLED PERSON IS REQUESTED DOES NOT HAVE COUNSEL OF HIS OWN CHOICE, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT HIM UNDER THE PROVISIONS OF SECTION 14-5303, SUBSECTION B, AND THE ATTORNEY SHALL BE APPOINTED NO LATER THAN FOUR DAYS BEFORE THE HEARING. THE ATTORNEY REPRESENTING THE PERSON FOR WHOM

LAWS OF ARIZONA

GUARDIANSHIP AS A GRAVELY DISABLED PERSON IS REQUESTED SHALL HAVE THE SAME MINIMAL DUTIES AS PROVIDED IN ARTICLES 5 AND 7 OF THIS CHAPTER.

5. THE ATTORNEY FOR THE PERSON FOR WHOM GUARDIANSHIP AS A GRAVELY DISABLED PERSON IS REQUESTED SHALL BE PROVIDED WITH COPIES OF THE REPORTS REQUIRED BY SECTION 14-5303 AND COPIES OF THE PETITION FOR EVALUATION, PREPETITION SCREENING REPORT, EVALUATION REPORT AND MEDICAL RECORDS OF THE PERSON FOR WHOM GUARDIANSHIP AS A GRAVELY DISABLED PERSON IS REQUESTED.

6. THE PERSON FOR WHOM GUARDIANSHIP AS A GRAVELY DISABLED PERSON IS REQUESTED SHALL BE ENTITLED TO AN INDEPENDENT EVALUATOR UNDER SECTION 36-560.

36-585. Additional duties of the guardian of a gravely disabled person

IN ADDITION TO THE DUTIES OF A GUARDIAN PROVIDED IN SECTION 14-5312, THE GUARDIAN OF A GRAVELY DISABLED PERSON SHALL BE REQUIRED IN THE PROVISION OF THE CARE, COMFORT AND MAINTENANCE OF HIS WARD TO COMPLY WITH THESE PREFERENCES:

1. FIRST PREFERENCE IS TO ALLOW THE WARD TO RETURN TO HIS HOME, FAMILY OR FRIENDS.

2. SECOND PREFERENCE IS FOR ARRANGEMENTS WHICH PROVIDE FOR PLACEMENT IN AN AGENCY, OTHER THAN A MENTAL HEALTH TREATMENT AGENCY, AS CLOSE TO HIS HOME OR THE HOME OF A RELATIVE AS POSSIBLE.

3. FINAL PREFERENCE IS FOR ARRANGEMENTS WHICH PROVIDE FOR PLACEMENT IN A MENTAL HEALTH TREATMENT AGENCY AFTER NOTICE AND HEARING IN THE COURT WHICH APPOINTED THE GUARDIAN AND A FINDING OF THE COURT THAT ALTERNATIVE PLACEMENT IS NOT AVAILABLE. THE HEARING REQUIRED IN THIS PARAGRAPH SHALL COMPLY WITH THE PROVISIONS OF ALL HEARINGS UNDER TITLE 14 AND THE PROVISIONS OF THIS ARTICLE.

36-586. Alternative placement for persons under guardianship as gravely disabled persons

LAWS OF ARIZONA

A. A GUARDIAN OF A GRAVELY DISABLED PERSON UNDER THIS ARTICLE SHALL FIND ALTERNATIVE PLACEMENT FOR HIS WARD WITHIN SEVEN DAYS AFTER THE GUARDIAN IS NOTIFIED BY THE MEDICAL DIRECTOR IN CHARGE OF A MENTAL HEALTH TREATMENT AGENCY SERVING THE WARD THAT THE WARD NO LONGER NEEDS THE CARE OR TREATMENT OFFERED BY THE TREATMENT AGENCY.

B. IF UNUSUAL CONDITIONS OR CIRCUMSTANCES PREVENT ALTERNATIVE PLACEMENT OF THE WARD WITHIN SEVEN DAYS, THE GUARDIAN SHALL FIND PLACEMENT WITHIN THIRTY DAYS FROM THE DATE HE IS NOTIFIED UNDER SUBSECTION A OF THIS SECTION.

C. IF ALTERNATIVE PLACEMENT CANNOT BE FOUND AT THE END OF THE THIRTY-DAY PERIOD, THE GUARDIAN OF THE GRAVELY DISABLED PERSON SHALL CONFER WITH THE MEDICAL DIRECTOR IN CHARGE OF THE MENTAL HEALTH TREATMENT AGENCY AND IN CONJUNCTION THEY SHALL THEN DETERMINE THE EARLIEST PRACTICABLE DATE WHEN ALTERNATIVE PLACEMENT MAY BE OBTAINED.

36-587. Termination of guardianship of a gravely disabled person

A. THE WARD OR ANY PERSON INTERESTED IN HIS WELFARE, INCLUDING THE GUARDIAN, MAY PETITION THE COURT FOR AN ORDER THAT THE WARD IS NO LONGER GRAVELY DISABLED AS A RESULT OF MENTAL DISORDER ANYTIME, BUT NOT TO EXCEED ONCE EACH SIX MONTHS, UNDER THE PROVISIONS OF THIS ARTICLE AND SECTION 14-5307, SUBSECTION B.

B. THE HEARING ON THE PETITION PROVIDED FOR IN SUBSECTION A OF THIS SECTION SHALL BE HELD WITHIN FOURTEEN DAYS OF THE FILING OF THE PETITION AND THE COURT SHALL FOLLOW THE SAME PROCEDURES TO SAFEGUARD THE RIGHTS OF THE WARD AS APPLY TO A PETITION FOR APPOINTMENT OF A GUARDIAN OF A GRAVELY DISABLED PERSON.

36-588. No presumption of incompetency

A PERSON WHO IS NO LONGER A WARD BY REASON OF BEING A GRAVELY DISABLED PERSON AS A RESULT OF MENTAL DISORDER SHALL NOT BE PRESUMED TO BE INCAPACITATED BY

LAWS OF ARIZONA

VIRTUE OF HIS HAVING BEEN A WARD UNDER THE PROVISIONS OF THIS ARTICLE AND TITLE 14.

36-589. Appointment supersedes previous orders and appointments

GUARDIANSHIP OF A GRAVELY DISABLED PERSON UNDER THIS ARTICLE AND TITLE 14, SHALL SUPERSEDE AND TERMINATE ANY PRIOR ORDERS FOR COURT-ORDERED EVALUATION OR TREATMENT, OR BOTH, ISSUED PURSUANT TO ARTICLES 4 AND 5 OF THIS CHAPTER. UPON APPOINTMENT OF A GUARDIAN UNDER THE PROVISIONS OF THIS ARTICLE, THE WARD MAY BE HOSPITALIZED IN THE AGENCY IN WHICH HE WAS HOSPITALIZED AT THE TIME OF THE FILING OF THE PETITION UNDER SECTION 36-544 OR SECTION 36-562, SUBSECTION D, UNTIL THE GUARDIAN HAS REASONABLE TIME TO SECURE ANY REQUIRED EVALUATION, CARE OR TREATMENT, BUT IN NO EVENT MAY THE WARD BE HOSPITALIZED IN THE AGENCY MORE THAN TEN DAYS AFTER APPOINTMENT OF THE GUARDIAN UNLESS THE GUARDIAN HAS ACTED UNDER THE PROVISIONS OF THIS ARTICLE AND CHAPTER TO PLACE HIS WARD IN A MENTAL HEALTH TREATMENT AGENCY.

ARTICLE 9. HOSPITALIZATION
IN A FEDERAL FACILITY

36-591. Court-ordered treatment by the veterans administration or other agency of the United States

A. WHENEVER, IN ANY PROCEEDING UNDER THE LAWS OF THIS STATE FOR THE COURT-ORDERED TREATMENT OF A PERSON ALLEGED TO BE, AS A RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR TO OTHERS, IT IS DETERMINED AFTER SUCH ADJUDICATION OF THE STATUS OF SUCH PERSON AS MAY BE REQUIRED BY LAW THAT HOSPITALIZATION IN THE STATE HOSPITAL OR OTHER MENTAL HEALTH TREATMENT AGENCY IS NECESSARY FOR TREATMENT, AND IT APPEARS THAT THE PERSON IS ELIGIBLE FOR CARE OR TREATMENT BY THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES, THE COURT, UPON RECEIPT OF A CERTIFICATE FROM THE VETERANS ADMINISTRATION OR OTHER AGENCY SHOWING THAT FACILITIES ARE AVAILABLE AND THAT THE PERSON IS ELIGIBLE FOR CARE OR TREATMENT,

LAWS OF ARIZONA

MAY ORDER THE PERSON TO UNDERGO TREATMENT BY THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES. A PERSON HOSPITALIZED IN A VETERANS ADMINISTRATION FACILITY OR INSTITUTION OPERATED BY ANOTHER AGENCY OF THE UNITED STATES IN ACCORDANCE WITH THE COURT'S ORDER FOR TREATMENT SHALL BE SUBJECT TO THE RULES AND REGULATIONS OF THE VETERANS ADMINISTRATION OR OTHER AGENCY WHETHER THE FACILITY IS LOCATED WITHIN OR WITHOUT THE STATE. THE CHIEF OFFICER OF THE VETERANS ADMINISTRATION FACILITY OR OTHER INSTITUTION BY ANOTHER AGENCY OF THE UNITED STATES IN WHICH THE PERSON IS HOSPITALIZED SHALL WITH RESPECT TO THE PERSON BE VESTED WITH THE SAME POWERS AS THE MEDICAL DIRECTOR OF A MENTAL HEALTH TREATMENT AGENCY WITH RESPECT TO THE CONTINUATION OF HOSPITALIZATION OR RELEASE. JURISDICTION IS RETAINED BY THE COURT WHICH ORDERED THE TREATMENT OF THE PATIENT OR OTHER SUPERIOR COURT OF THE STATE AT ANY TIME TO INQUIRE INTO THE MENTAL CONDITION OF THE PERSON AND TO DETERMINE THE NECESSITY FOR CONTINUANCE OF HIS HOSPITALIZATION.

B. THE JUDGMENT OR ORDER OF COMMITMENT BY A COURT OF COMPETENT JURISDICTION OF ANOTHER STATE OR OF THE DISTRICT OF COLUMBIA, COMMITTING A PERSON TO THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES FOR CARE OR TREATMENT SHALL HAVE THE SAME FORCE AND EFFECT AS TO THE COMMITTED PERSON WHILE IN THIS STATE AS IN THE JURISDICTION WHERE THE COURT WHICH ENTERED THE JUDGMENT OR MADE THE ORDER IS LOCATED, AND THE COURTS OF THE COMMITTING STATE, OR OF THE DISTRICT OF COLUMBIA, SHALL BE DEEMED TO HAVE RETAINED JURISDICTION OF THE PERSON SO COMMITTED FOR THE PURPOSE OF INQUIRING INTO THE MENTAL CONDITION OF THE PERSON, AND OF DETERMINING THE NECESSITY FOR CONTINUANCE OF HIS HOSPITALIZATION AS PROVIDED BY SUBSECTION A WITH RESPECT TO PERSONS ORDERED TO UNDERGO TREATMENT BY THE COURTS OF THIS STATE. CONSENT IS GIVEN TO THE APPLICATION OF THE LAW OF THE COMMITTING STATE OR DISTRICT OF COLUMBIA WITH RESPECT TO THE AUTHORITY OF THE CHIEF OFFICER OF ANY FACILITY OF THE VETERANS ADMINISTRATION OR ANY INSTITUTION

LAWS OF ARIZONA

OPERATED IN THIS STATE BY ANY OTHER AGENCY OF THE UNITED STATES TO RETAIN CUSTODY, OR TRANSFER, PAROLE, OR DISCHARGE THE COMMITTED PERSON.

C. UPON RECEIPT OF A CERTIFICATE OF THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES THAT FACILITIES ARE AVAILABLE FOR THE CARE OR TREATMENT OF ANY PERSON HERETOFORE ORDERED TO UNDERGO TREATMENT IN THE STATE HOSPITAL OR OTHER MENTAL HEALTH TREATMENT AGENCY AND THAT THE PERSON IS ELIGIBLE FOR CARE OR TREATMENT, THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY MAY CAUSE THE TRANSFER OF THE PERSON TO A VETERANS ADMINISTRATION FACILITY OR INSTITUTION OPERATED BY ANOTHER AGENCY OF THE UNITED STATES FOR CARE OR TREATMENT. UPON EFFECTING ANY SUCH TRANSFER, THE SUPERIOR COURT WHICH ORDERED TREATMENT FOR THE PATIENT SHALL BE NOTIFIED THEREOF BY THE TRANSFERRING AGENCY. NO PERSON SHALL BE TRANSFERRED TO A VETERANS ADMINISTRATION FACILITY OR INSTITUTION OPERATED BY ANOTHER AGENCY OF THE UNITED STATES IF HE IS CONFINED PURSUANT TO AN ORDER OF A SUPERIOR COURT UNDER RULES OF CRIMINAL PROCEDURE, UNLESS PRIOR TO TRANSFER THE SUPERIOR COURT ENTERS AN ORDER FOR THE TRANSFER.

D. A PERSON TRANSFERRED AS PROVIDED IN THIS SECTION IS DEEMED TO HAVE BEEN ORDERED TO UNDERGO TREATMENT BY THE VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES PURSUANT TO THE ORIGINAL COURT ORDER FOR TREATMENT, PROVIDED THAT NO SUCH PERSON SHALL BE REMOVED FROM THE STATE FOR EVALUATION OR TREATMENT WITHOUT SPECIFIC INFORMED CONSENT OF THE PATIENT OR HIS LEGAL GUARDIAN OR, WHEN A COURT HAS ORDERED TREATMENT UNDER PROVISIONS OF SECTION 36-562, A FURTHER ORDER OF SUCH COURT APPROVING SUCH REMOVAL FROM THE STATE.

Sec. 3. Section 14-5101, Arizona Revised Statutes, is amended to read:

14-5101. **Definitions and use of terms**

In this title, unless the context otherwise requires:

LAWS OF ARIZONA

1. "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, MENTAL DISORDER, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.
2. "Protected person" is a minor or other person for whom a conservator has been appointed or other protective order has been made.
3. "Protective proceeding" is a proceeding under the provisions of section 14-5401 to determine that a person cannot effectively manage or apply his estate to necessary ends, either because he lacks the ability or is otherwise inconvenienced, or because he is a minor, and to secure administration of his estate by a conservator or other appropriate relief.
4. "Ward" is a person for whom a guardian has been appointed. A "minor ward" is a minor for whom a guardian has been appointed solely because of minority.

Sec. 4. Section 31-224, Arizona Revised Statutes, is amended to read:

31-224. Mentally disordered prisoner; procedure for involuntary hospitalization; costs; transfer; reports; computation of time; discharge; voluntary admission

A. When a prisoner confined in the state prison discloses symptoms of mental illness DISORDER, the ~~prisoner~~ prison physician shall examine him, and if he is determined to be so ~~afflicted~~ DISORDERED, the physician shall report the fact in writing to the superintendent of the prison, describing the condition found, together with any recommendations he has. Upon receipt of the report, the superintendent shall ~~file a petition as provided in section 36-509 and thereafter the proceeding shall conform to article 1 of chapter 5, title 36~~ PROCEED AS PROVIDED IN TITLE 36, CHAPTER 5, ARTICLE 4, UNLESS THE PRISONER IS ACCEPTED FOR VOLUNTARY ADMISSION TO THE STATE HOSPITAL AS PROVIDED IN SUBSECTION E OF THIS SECTION.

B. The county in which the court is located shall be reimbursed for costs of the proceedings incurred by the county from funds appropriated

LAWS OF ARIZONA

to the state prison, upon certification by the clerk and judge of the court of the costs and approval of the claim by the ~~superintendent of the prison~~. DEPARTMENT OF CORRECTIONS.

C. If the prisoner is determined to be ~~mentally ill~~, AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS, the court shall order and direct that he be confined in the Arizona state hospital in the legal custody of the ~~superintendent of the prison~~. DEPARTMENT OF CORRECTIONS. The transfer of the prisoner to the state hospital shall be made by the ~~superintendent of the prison~~. DEPARTMENT OF CORRECTIONS.

D. The superintendent of the state hospital shall render to the ~~superintendent of the prison~~ DEPARTMENT OF CORRECTIONS, a quarterly report of the condition of the prisoner, ~~and when it appears that the prisoner has sufficiently recovered that he may be returned to the prison without further risk, he shall be returned to serve the~~ AND WHEN IN THE OPINION OF THE SUPERINTENDENT OF THE STATE HOSPITAL, THE PRISONER IS NO LONGER AS A RESULT OF MENTAL DISORDER, A DANGER TO SELF OR OTHERS, THE PRISONER SHALL RETURN TO THE PRISON TO SERVE HIS unexpired term, and the period he was confined in the state hospital shall be counted as though served in prison. If the term of imprisonment expires during the time the mentally ~~ill~~ DISORDERED prisoner is confined in the state hospital, the ~~superintendent of the prison shall forward to the prisoner his legal discharge from prison~~. DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL ISSUE TO THE PRISONER AN ABSOLUTE DISCHARGE.

E. A PRISONER MAY APPLY FOR VOLUNTARY ADMISSION TO THE STATE HOSPITAL UNDER THE PROVISIONS OF SECTION 36-531. HIS APPLICATION, WHEN SUBMITTED TO THE PRISON PHYSICIAN, SHALL BE FORWARDED TO THE SUPERINTENDENT OF THE STATE HOSPITAL BY THE PRISON PHYSICIAN TOGETHER WITH THE REPORT OF THE PRISON PHYSICIAN AND SUCH MATERIAL, IF ANY, PROVIDED BY THE PRISONER IN SUPPORT OR IN EXPLANATION OF HIS APPLICATION. A PRISONER HOSPITALIZED IN THE STATE HOSPITAL AS A VOLUNTARY PATIENT SHALL BE IN THE LEGAL CUSTODY OF THE SUPERINTENDENT OF THE PRISON.

LAWS OF ARIZONA

F. ALL PRISONERS TRANSFERRED TO THE ARIZONA STATE HOSPITAL PURSUANT TO THIS SECTION SHALL REMAIN ELIGIBLE TO ACCRUE GOOD-TIME CREDITS PURSUANT TO SECTION 31-251. DOUBLE-TIME DEDUCTIONS PURSUANT TO SECTION 31-252 SHALL BE ALLOWED ANY PRISONER WHO WAS EARNING THE DEDUCTIONS IMMEDIATELY PRIOR TO TRANSFER TO THE STATE HOSPITAL, AND TO ANY PRISONER PERFORMING ANY ASSIGNMENT OF CONFIDENCE OR TRUST AT THE STATE HOSPITAL.

G. NO PRISONER OTHERWISE ELIGIBLE SHALL BE DENIED PAROLE SOLELY BECAUSE HE IS CONFINED AT THE STATE HOSPITAL PURSUANT TO THIS SECTION.

Sec. 5. Section 36-202, Arizona Revised Statutes, as amended by Laws 1973, chapter 158, section 34, is amended to read:

36-202. State hospital for the mentally disordered; official name; purpose; facilities and equipment

A. A state hospital ~~for the mentally ill~~ shall be maintained for THE care and treatment of persons ~~adjudged mentally ill and other mentally diseased persons who are admitted thereto in accordance with law~~ WITH MENTAL DISORDERS, AND PERSONS WITH OTHER PERSONALITY DISORDERS OR EMOTIONAL CONDITIONS WHO WILL BENEFIT FROM CARE AND TREATMENT. ADMISSIONS TO THE STATE HOSPITAL SHALL BE IN ACCORDANCE WITH LAW. The hospital shall be called the Arizona state hospital.

B. Subject to legislative appropriation the state hospital may provide services to persons suffering from alcoholism and to persons suffering from drug abuse.

C. The hospital shall have adequate facilities and equipment for enlightened and scientific treatment of nervous and mental diseases in accordance with approved methods of mental therapeutics. Such facilities shall include, among other things:

1. Facilities for medical and psychiatric treatment with special attention to occupational therapy and other special therapies.

LAWS OF ARIZONA

2. Facilities for proper segregation and care of child patients.
 3. Facilities for recreation and physical training.
 4. An institutional library for the use of patients.
 5. A properly equipped dental department.
 6. A properly equipped laboratory and X-ray department.
- D. The state hospital shall be under the charge and control of the director of the department of health services, pursuant to the provisions of this article.

Sec. 6. Section 36-206, Arizona Revised Statutes, is amended to read:

36-206. Duties of superintendent; deputy; estimate of per capita maintenance charges

A. The director shall have charge of the state hospital and the superintendent shall supervise and direct its activities, subject to the provisions of law and the rules and regulations and approval of the director. He shall be DIRECTLY responsible to the director for carrying out the purposes for which the hospital is maintained. He may deputize, in writing, subject to the approval of the director, any qualified officer of the state hospital to do or perform in his stead any act the superintendent is empowered to do or charged with the responsibility of doing by law.

B. The director shall in December each year make an estimate of the probable ~~monthly~~ DAILY per capita cost of treatment and maintenance of each category of patients for the next ensuing year as determined in accordance with standard accounting practices. A statement of the estimate shall be sent to each superior court judge in the state in January the following year.

Sec. 7. Title 36, Arizona Revised Statutes, is amended by adding chapter 22, to read:

**CHAPTER 22. PROTECTION OF MINORS
ARTICLE 1. IN GENERAL**

36-2271. Consent of parents required for surgical procedures upon minor; exception; penalty

LAWS OF ARIZONA

A. EXCEPT AS OTHERWISE PROVIDED BY LAW, NO PERSON, CORPORATION, ASSOCIATION, ORGANIZATION, STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL EMPLOYED BY ANY OF SAME MAY PROCURE, SOLICIT TO PERFORM, ARRANGE FOR THE PERFORMANCE OF, OR PERFORM SURGICAL PROCEDURES UPON A MINOR WITHOUT FIRST OBTAINING A WRITTEN CONSENT OF A PARENT OR LEGAL GUARDIAN OF THE MINOR.

B. NO HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 MAY PERMIT SURGICAL PROCEDURES TO BE PERFORMED UPON A MINOR IN ITS FACILITIES WITHOUT FIRST HAVING RECEIVED A WRITTEN CONSENT FROM A PARENT OR LEGAL GUARDIAN OF THE MINOR.

C. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN IT HAS BEEN DETERMINED BY A PHYSICIAN THAT AN EMERGENCY EXISTS AND THAT IT IS NECESSARY TO PERFORM SUCH SURGICAL PROCEDURES FOR THE TREATMENT OF A SERIOUS DISEASE, INJURY OR DRUG ABUSE, OR TO SAVE THE LIFE OF THE PATIENT, OR WHEN SUCH PARENT OR LEGAL GUARDIAN CANNOT BE LOCATED OR CONTACTED AFTER REASONABLY DILIGENT EFFORT.

D. A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING THE SUM OF TWO THOUSAND FIVE HUNDRED DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT EXCEEDING ONE YEAR, OR BOTH.

Sec. 8. Effect of provisions upon pre-existing commitments; provisions governing new or pending proceedings; effective date

The provisions of this act do not apply retroactively to terminate court commitments of the mentally ill under pre-existing law or to otherwise affect persons committed under pre-existing law, except that:

1. A person who is on conditional discharge from the state hospital shall continue on such status no longer than one hundred eighty days after the effective date of this chapter and shall be released from conditional discharge at or before the end of such period.

LAWS OF ARIZONA

2. A person who is on conditional discharge on the effective date of this chapter and who is rehospitalized pursuant to prior law within one hundred eighty days from the effective date of this chapter shall be considered to have been ordered to undergo involuntary treatment from the effective date of this chapter and to have had mandatory local treatment. Such person shall not be detained in a mental health treatment facility or the state hospital after one hundred eighty days from the effective date of this chapter unless the professional person in charge of the facility or state hospital proceeds according to title 36, chapter 5.

3. Those persons confined at the state hospital or other designated facility, as the term was defined under prior law, at the effective date of this chapter shall be dealt with under the provisions of this chapter from the effective date of this chapter. For this purpose such persons shall be considered to have been ordered to undergo involuntary treatment from the effective date of this chapter and to have had their mandatory local treatment, and in order to be detained in a mental health treatment facility or the state hospital after one hundred eighty days from the effective date, the professional person in charge of the facility or state hospital must proceed according to title 36, chapter 5.

4. The effective date of this act shall be October 15, 1974.

Approved by the Governor—May 20, 1974

Filed in the Office of the Secretary of State—May 20, 1974