

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2706**

Hernandez C Floor Amendment

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1. Clarifies that a court may enter an order for intensive treatment services if it finds clear and convincing evidence that the patient has been determined to be seriously mentally ill.
 2. Specifies how a court will determine that a person is chronically resistant to treatment and outlines what shall be considered clear and convincing evidence.
 3. Prohibits, rather than allows, a patient from being required to consent to court-ordered intensive treatment services in order to receive them.
 4. Modifies the definition of *intensive treatment services* to include medically necessary nonemergency transportation.

Amendment explanation prepared by Mykelin Myers

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2/27/2025

ADDITIONAL COW
HERNANDEZ C FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2706
(Reference to House engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 36, chapter 5, article 5, Arizona Revised
3 Statutes, is amended by adding section 36-540.03, to read:

4 36-540.03. Intensive treatment services; determination of
5 need; order; definition

6 A. THE COURT MAY ENTER AN ORDER FOR INTENSIVE TREATMENT SERVICES AS
7 PRESCRIBED IN THIS SECTION. THE ORDER FOR INTENSIVE TREATMENT SERVICES
8 MAY BE ENTERED BY THE COURT AS AN INITIAL ORDER FOR TREATMENT OR ON
9 ENTERING AN AMENDED OR RENEWED ORDER FOR TREATMENT. AN ORDER FOR
10 INTENSIVE TREATMENT SERVICES SHALL INCORPORATE A WRITTEN INTENSIVE
11 TREATMENT SERVICES PLAN THAT IS APPROVED BY THE COURT, PREPARED BY STAFF
12 WHO ARE FAMILIAR WITH THE PATIENT'S CASE HISTORY AND APPROVED BY THE
13 MEDICAL DIRECTOR OF THE [PERSON,] AGENCY OR ORGANIZATION DESIGNATED TO
14 ADMINISTER AND SUPERVISE THE PATIENT'S TREATMENT PROGRAM. THE INTENSIVE
15 TREATMENT SERVICES PLAN SHALL CONFORM WITH THE REQUIREMENTS OF SECTION
16 36-540.01, SUBSECTION B AND SHALL CONTAIN OTHER SPECIFIC ORDERS FOR
17 INTENSIVE TREATMENT SERVICES.

18 B. THE COURT MAY ENTER AN ORDER FOR INTENSIVE TREATMENT SERVICES IF
19 THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE [THAT] THE PATIENT [HAS
20 BEEN DETERMINED TO BE SERIOUSLY MENTALLY ILL AND] IS CHRONICALLY RESISTANT
21 TO TREATMENT [PURSUANT TO SECTION 36-550.09, SUBSECTION B].

22 [C. A COURT MAY DETERMINE THAT A PERSON IS CHRONICALLY RESISTANT TO
23 TREATMENT IF THE COURT FINDS THAT, WITHIN TWENTY-FOUR MONTHS BEFORE THE
24 ISSUANCE OF A COURT ORDER PURSUANT TO THIS SECTION, EXCLUDING ANY TIME
25 DURING THIS PERIOD THAT THE PERSON WAS HOSPITALIZED OR INCARCERATED, THE
26 PERSON DEMONSTRATED A PERSISTENT OR RECURRENT UNWILLINGNESS OR INABILITY
27 TO PARTICIPATE IN OR ADHERE TO TREATMENT FOR A MENTAL DISORDER DESPITE

1 HAVING TREATMENT OFFERED, PRESCRIBED, RECOMMENDED OR ORDERED TO IMPROVE
2 THE PERSON'S CONDITION OR TO PREVENT A RELAPSE OR HARMFUL DETERIORATION OF
3 THE PERSON'S CONDITION. THE COURT'S FINDING SHALL BE BASED ON EVIDENCE
4 THAT ESTABLISHES ALL OF THE FOLLOWING BY CLEAR AND CONVINCING EVIDENCE:

5 1. THE PERSON RECEIVED TREATMENT IN THE PRECEDING TWENTY-FOUR
6 MONTHS IN COMMUNITY MENTAL HEALTH RESIDENTIAL TREATMENT SERVICES AND
7 FACILITIES, INCLUDING UNSECURED RESIDENTIAL TREATMENT SETTINGS WITH ON-
8 SITE TWENTY-FOUR-HOUR SUPPORTIVE TREATMENT AND SUPERVISION BY STAFF WITH
9 BEHAVIORAL HEALTH TRAINING, AND THE TREATMENT WAS UNSUCCESSFUL OR IS NOT
10 LIKELY TO BE SUCCESSFUL WITHOUT AN INTENSIVE TREATMENT ORDER DUE TO THE
11 PERSON'S EXPRESSED OR DEMONSTRATED UNWILLINGNESS TO COOPERATE WITH
12 TREATMENT.

13 2. THE PERSON'S NONADHERENCE TO OR NONPARTICIPATION IN TREATMENT
14 OVER THE PRECEDING TWENTY-FOUR MONTHS RESULTED IN ONE OR MORE OF THE
15 FOLLOWING:

16 (a) SERIOUS HARM TO SELF.

17 (b) SERIOUS HARM OR THREATS OF SERIOUS HARM TO OTHERS.

18 (c) RECURRENT PERIODS OF HOMELESSNESS RESULTING FROM THE MENTAL
19 DISORDER.

20 (d) RECURRENT SERIOUS MEDICAL PROBLEMS DUE TO POOR SELF-CARE OR
21 FAILURE TO FOLLOW MEDICAL TREATMENT RECOMMENDATIONS.

22 (e) RECURRENT ARRESTS DUE TO BEHAVIOR RESULTING FROM THE MENTAL
23 DISORDER.

24 3. ANY OTHER EVIDENCE RELEVANT TO THE PERSON'S WILLINGNESS OR
25 ABILITY TO PARTICIPATE IN AND ADHERE TO TREATMENT WITHOUT AN INTENSIVE
26 TREATMENT ORDER.]

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

40 [D.] [E.] THE COURT SHALL ORDER THE MEDICAL DIRECTOR OF THE MENTAL
41 HEALTH TREATMENT AGENCY DESIGNATED TO ADMINISTER AND SUPERVISE THE
42 PATIENT'S INTENSIVE TREATMENT SERVICES PLAN TO PROVIDE NOTICE TO THE COURT
43 OF SPECIFIC INSTANCES OF THE PATIENT'S [SIGNIFICANT OR PERSISTENT]
44 NONCOMPLIANCE WITH THE INTENSIVE TREATMENT SERVICES PLAN AND ORDER THE
45 MEDICAL DIRECTOR TO FILE WRITTEN PROGRESS REPORTS WITH THE COURT AT LEAST
46 EVERY SIXTY DAYS. THE COURT MAY SET A COMPLIANCE HEARING AT TIME
47 DESIGNATED BY THE COURT AND REQUIRE THE PATIENT AND A REPRESENTATIVE OF
48 THE PATIENT'S TREATMENT TEAM TO APPEAR TO ADDRESS THE PATIENT'S COMPLIANCE
49 WITH THE INTENSIVE TREATMENT SERVICES PLAN AND THE SERVICES PROVIDED. THE

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

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

13 ~~[F.]~~[G.] FOR THE PURPOSES OF THIS SECTION, "INTENSIVE TREATMENT
14 SERVICES" MEANS SERVICES [FOR WHICH THE PATIENT IS ELIGIBLE UNDER THE LAWS
15 OF THIS STATE AND THAT ARE] IDENTIFIED IN A WRITTEN INTENSIVE TREATMENT
16 SERVICES PLAN THAT IS APPROVED BY THE COURT AND THAT INCLUDES ~~[INFORMATION~~
17 ~~REGARDING]~~ ALL OF THE FOLLOWING:

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

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

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

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

32 3. ~~[SAFE, RELIABLE AND ADEQUATE TRANSPORTATION]~~[MEDICALLY NECESSARY
33 NONEMERGENCY TRANSPORTATION TO TRANSPORT THE PATIENT TO AND FROM A COVERED
34 PHYSICAL OR BEHAVIORAL HEALTH SERVICE] FOR THE PATIENT TO SUCCESSFULLY
35 COMPLY WITH THE TREATMENT PLAN.

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

41 Enroll and engross to conform

42 Amend title to conform

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02/26/2025

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C: MH