

QUANG NGUYEN
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 926-3258
TOLL FREE: 1-800-352-8404
qnguyen@azleg.gov



COMMITTEES:
APPROPRIATIONS
APPROPRIATION
SUB-COMMITTEE ON
EDUCATION
JUDICIARY,
Chairman
MILITARY AFFAIRS &
PUBLIC SAFETY

DISTRICT 1

Arizona House of Representatives

Phoenix, Arizona 85007

July 7, 2023

Via Email and U.S. Mail

Hon. Kris Mayes
Arizona Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004

Re: Request for Attorney General Opinion

Dear Attorney General Mayes:

I recently became aware of difficulties experienced in the field by police officers and other first responders in rural areas of our state who assist and transport individuals struggling with mental health issues.

By way of background, Arizona Revised Statutes ("A.R.S.") Title 36, Chapter 5 ("Mental Health Services," A.R.S. § 36-501 *et seq.*) governs the provision of mental health services under the purview of the Arizona Department of Health Services ("DHS") and the Arizona Healthcare Cost Containment System ("AHCCCS"). Within this chapter, article 4 (A.R.S. § 36-520 *et seq.*) governs the process for court-ordered evaluations. Additionally, AHCCCS has promulgated rules on this subject. *See* Ariz. Admin. Code. R9-21-501, *et seq.*

These laws and regulations do not appear to squarely address the questions below. Accordingly, pursuant to A.R.S. § 41-193(A)(7), I respectfully request a formal legal opinion on the following questions:

1. Under Arizona law, may a mental health hospital refuse a court-ordered evaluation due to the patient's physical disability or pre-existing medical condition?
2. Under Arizona law, may a mental health hospital require medical clearance from a hospital prior to accepting a patient who is under a court order?
3. Under Arizona law, may a person be transported to a mental health hospital after the mental health hospital has granted an involuntary evaluation if the transporting agency has not received an order for transport?
4. Under Arizona law, how much time does the granting authority for an involuntary evaluation have to provide a paper copy of the order for involuntary evaluation to a transporting agency after the order has been granted?

Request for Attorney General Opinion

July 7, 2023

Page 2 of 2

Thank you for your consideration of this request. Please don't hesitate to contact me if you need any additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Quang Nguyen", with a long, sweeping horizontal flourish extending to the right.

Representative Quang Nguyen