

2018 NOV 26 PM 4:11

IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

BY BP
DEPUTY

IN THE MATTER OF)
ESTABLISHING)
PROCEDURES TO SHARE)
HEALTH INFORMATION)

AMENDED
ADMINISTRATIVE ORDER
No. 2018- 00044
(Superseding and Replacing
Administrative Order 2015-0005)

WHEREAS: Pinal County Superior Court Administrative Order 2015-0005 established procedures to share medical/mental health records and information related to individuals concurrently involved in the mental health and criminal justice systems between Pinal County Courts and Health Plans, subcontracted direct care providers, and peer-run organizations providing care and treatment of these individuals; and

WHEREAS: The duties of managing and coordinating the information related to individuals concurrently involved in the mental health and criminal justice systems have been centralized within Pinal County Court Administration under the auspices of the Director of Treatment Services for the Courts, and within Pinal County Adult Probation under the auspices of the Treatment Specialist; and

WHEREAS: There are documented, strong relationships between a person's physical and mental health and his or her propensity to offend, and often a disposition given a person before the Court is dependent upon the person's physical and mental health needs; and

WHEREAS: It is in the best interests of the public and the courts to facilitate the delivery of mental health treatment services to individuals believed to have serious mental illnesses or impairments when those individuals come into contact with the justice system, and;

WHEREAS: The privacy Rule of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA") specifically authorizes limited disclosure of protected information in the course of any judicial or administrative proceeding pursuant to a court or administrative order. The Code of Federal Regulations ("CFR") in 45 CFR 164.512(e)(1)(i) authorizes disclosure of protected information "in response to an order of a court or administrative tribunal..." in any judicial or administrative proceeding for the seriously mentally ill, who frequently are denied release from custody or services that would be available if the courts were aware of their illness or disability; and

WHEREAS: The Superior Court, Justice Courts, Municipal Courts, and the Adult Probation Department within Pinal County have developed, or may develop, specialized treatment court calendars or supervision caseloads, designed to encourage the administration of justice in a manner that is not anti-therapeutic, and to encourage the referral of individuals to appropriate medical and mental health professionals and agencies; and

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WHEREAS: In order to facilitate the identification, assignment to specialized court calendars or supervision caseloads, and referral of such individuals to appropriate mental health care treatment agencies in an expeditious manner, it is essential that all AHCCCS Complete Care (ACC) Health Plans and their contracted providers be able to provide court-appointed counsel, defense counsel, the courts in the State of Arizona, and probation officers with certain types of limited identifying information that will assist in appropriate case assignments to specialized court calendars or supervision caseloads and referrals to appropriate medical and mental health professionals to better provide a continuity of care for the mentally ill; and

FURTHER: As officers of the Court, Juvenile and Adult Probation Pretrial and Presentence Officers are required to gather relevant information regarding to physical and mental health of persons before the Court and to use that information in handling cases; and

These officers are required to disseminate any and all documents and reports relevant to a case involving any person before the Court to those parties who, under the federal and state constitutions and federal and state law, are entitled access to it, including: the Court, the prosecuting attorney, all defense attorneys, and all guardians ad litem as well as any other person the Court deems proper; and

All such protected health information regarding a person before the court shall be considered necessary for use in the case by the Court, attorneys involved in the case, a child's guardian ad litem a child's parents, and supervising probation officers, unless the Court determines otherwise in a specific situation; and

NOW THEREFORE, IT IS HEREBY ORDERED:

Rescinding Pinal County Superior Court Administrative Order 2015-0005; and

That if available and not otherwise prohibited by federal law, the Director of Treatment Services for the Courts and/or the Treatment Specialist for Adult Probation shall provide to court-appointed counsel and court administration (including Adult and Juvenile Probation Officers), from the AHCCCS Complete Care (ACC) Health Plans and their contracted providers, the following information and confirm whether or not the subject individual who has been arrested or detained is a behavioral health recipient of the AHCCCS Complete Care (ACC) Health Plans and their contracted providers:

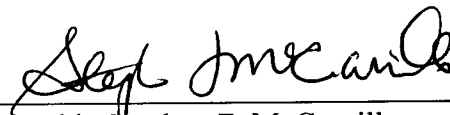
- a. Name, and known aliases of the individual;
- b. Date of birth;
- c. Social Security Number;
- d. Name of provider agency and telephone number;
- e. Enrollment/program type (e.g. SMI, GMH/SA, Crisis, etc.); and

That Pinal County Superior Court and requesting agencies shall implement protocols for the release and exchange of information required by this order, in a manner that will accommodate routine, as well as emergency requests for information; and

That a requesting agency shall maintain the confidentiality of all information provided by Pinal County Superior Court and shall not disseminate such information to any person or entity. Agencies and their employees receiving the information shall not use that information for any purpose that is not the subject of this order; and

That Adult and Juvenile Probation Officers are authorized to deliver medical/mental health information regarding persons before the Court or under its supervision to the following persons or entities as applicable in each individual pending case or matter, to: (1) the prosecutor or County Attorney's Office, (2) any attorney representing the person, (3) any guardian-ad-litem or other person appointed by the Court to assist an adult or a child; and (4) any other person whom the Court directs, whether orally or in writing, who the Court has determined to have a proper need for the information. Such delivery shall be accomplished by the most expedient means practicable, including but not limited to facsimile, hand delivery, e-mail, postal mail, and/or verbally.

Dated this 26 day of NOVEMBER, 2018



Honorable Stephen F. McCarville,
Presiding Judge, Pinal County Superior Court

Original: Clerk of Superior Court
Copies: Superior Court Judges
Limited Jurisdiction Judges
Judges Pro Tem
Court Administration
Director of Treatment Services for the Courts
Director, Pinal county Health and Human Services
AHCCCS Complete Care (ACC) Health Plans and their contracted providers
Pinal County Sheriff
Pinal County Adult Detention Center
Pinal County Attorney
Pinal County Public Defender
Court Appointed Attorneys
Chief Adult Probation Officer
Adult Probation Treatment Specialist
Director of Juvenile Court Services
Attorney General's Office
Child Protective Services
Adult Protective Services