

IN AND FOR THE COUNTY OF MOHAVE

SEP 22 2023

CHRISTINA SPURLOCK
CLERK SUPERIOR COURT

BY: _____

IN THE MATTER OF:)
)
THE SHARING OF MENTAL HEALTH)
INFORMATION FOR COURT-INVOLVED)
ADULTS)
_____)

ADMINISTRATIVE ORDER
2023- 17

WHEREAS, the Presiding Judge of the Superior Court of Arizona in Mohave County exercises administrative supervision over the Judicial Branch of Government in Mohave County;

WHEREAS, individuals with mental illness including those that have been diagnosed with General Mental Health/Substance Abuse (GMSA) and serious mental illness (SMI) frequently enter the criminal justice system, and are denied services which would otherwise be available to them if the court was aware of their mental health history and diagnosis; and

WHEREAS, the Mohave County Adult Probation Department (APD) makes recommendations for sentencing purposes to the Court for individuals with integrated health issues, and

WHEREAS, the Mohave County Adult Probation Department (APD) supervises defendants who have integrated health issues and or are diagnosed as SMI and these defendants are supervised under mental health regulations and participate in the Superior Court's Health and Wellness Court (HAWC) for continuity of care; and

WHEREAS, the APD supervises probationers who have integrated health issues and or are diagnosed as SMI and these probationers are supervised under mental health regulations and may participate in the Superior Court's Health and Wellness Court (HAWC) for continuity of care; and

WHEREAS, the Privacy Rule of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Federal Code of Regulations in 45 CFR 164.512(e)(1) authorize the disclosure of protected information pursuant to a court order; and

WHEREAS, the Arizona Department of Health Services (ADHS) contracts with the Regional Behavioral Health Authority (RBHA) and or Managed Care Organizations (MCO). It's contracted providers need to share information with the Mohave County Superior Court including APD through direct access database inquires for certain types of limited identifying information to the Court and Probation for sentencing purposes; identification, assignment to specialized court calendars, continuity of care, and referral to appropriate integrated health treatment agencies. Therefore, this order is needed to authorize the disclosure of protected information;

IT IS ORDERED that the Regional Behavioral Health Authority (RBHA) and or Managed Care Organizations (MCO) shall provide direct, real-time access to its entire client database to the Mohave County Superior Court, and APO, for individuals who have been arrested or detained, are involved with the APO, or are the subject of court proceedings pursuant to Arizona Revised Statutes Title 8, Title 36 and /or Title 14. Unless otherwise prohibited by federal law, the access shall consist of the following information, if available, about the individual:

- a. First, Middle and Last Name, and known aliases of the individual,
- b. The last four digits of the individual's social security number,
- c. Date of birth, gender, and ethnicity of the individual,
- d. Whether the subject individual is, or has been previously, enrolled as a client of the RBHA and or MCO, and or has been designated as SMI and is COT,
- e. Provide the associated AHCCCS number to probation to assist member
- f. Whether the subject individual is enrolled or previously enrolled as a client of the RBHA/MCO as a youth involved in children's services,
- g. Name of clinic or provider, name of case manager and telephone number, and
- h. Assist in identifying members not receiving services, to better collaborate with the Courts and to ensure services to members.

IT IS FURTHER ORDERED as follows:

1. The Mohave County Superior Court, and APO shall refer individuals who are identified through validated risks assessments to potentially have mental health and/or substance abuse issues, and do not have healthcare to the RBHA for enrollment, assessment, and engagement in treatment services to target identified needs. The RBHA shall determine whether the referred individuals qualify for enrollment and services.

2. The Mohave County Superior Court and APO shall provide the RBHA and or MCO or its contractors with copies of risk assessment and case plans on identified individuals when referring the individuals for treatment.

3. The Mohave County Superior Court, APO, the RBHA and or MCO its subcontractors, shall implement protocols for the release and exchange of information as required by this order, in a manner that will accommodate routine as well as emergency requests for information.

4. The Mohave Superior Court, and APO shall maintain the confidentiality of all information provided to or from the RBHA and or MCO and its contractors pursuant to this Administrative Order and shall not disseminate such information to any person or entity not under its supervision and control, except as provided by applicable law, rule, regulation or court order. No database inquiries into the RBHA and or MCO records shall be permitted by any designated county Superior Court, APD, or JPD employee except for the limited purpose set forth in this Administrative Order.

5. The RBHA and or MCO and its subcontractors shall maintain the confidentiality of information provided by the Mohave County Superior Court, and APO pursuant to this Administrative Order, and shall not disseminate such information to any person or entity not

under its supervision and control, except as provided by applicable law, rule, regulation, or court order. No database inquiries into the Mohave County Superior Court, or APO records and case management systems shall be permitted by any ADHS, RBHA, MCO or subcontractor except for the limited purpose set forth in this Administrative Order.

DATED this 21st day of September, 2023.

St. C. Moss

Honorable Steven C. Moss, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of Superior Court in Mohave County