

FILED

2020 JUN -9 PM 3:52

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

CLERK OF SUPERIOR COURT
IN AND FOR THE COUNTY OF YUMA, ARIZONA 85364

In the Matter of:)
) Administrative Order
THE SHARING OF MENTAL HEALTH) No. 2020-12
INFORMATION FOR COURT-INVOLVED) (Replacing Administrative
ADULTS) Order No. 2014-21

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, Yuma County Adult Probation (YCAP) makes recommendations for sentencing purposes to the court for individuals with integrated health issues; and

WHEREAS, the YCAP supervises probationers who have integrated health issues and or are diagnosed as SMI and these probationers are supervised under mental health regulations and or participate in the Superior Court's Mental Health Court 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) authorizes 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). Its contracted providers need to share information with the Yuma County Superior Court including YCAP 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;

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 Yuma County Superior Court, and YCAP, for individuals who have been arrested or detained, are involved with the YCAP, 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:

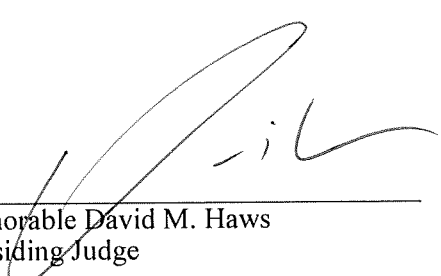
- a. First, Middle and Last Name, and known aliases of the individual,
- b. The last four digits of the individual's social security number,
- c. Date of birth, gender, and ethnicity of the individual,
- d. Whether the subject individual is, or has been previously, enrolled as a client of the RBHA and or MCO, and or has been designated as SMI and is COT,
- e. Provide the associated AHCCCS number to probation to assist member

- 1 f. Whether the subject individual is enrolled or previously enrolled as a client of the
2 RBHA/MCO as a youth involved in children's services, and
3 g. Name of clinic or provider, name of case manager and telephone number.
4 h. Assist in identifying members not receiving services, to better collaborate with the courts and
5 to ensure services to members.

6 **IT IS FURTHER ORDERED** as follows:

- 7 1. The Yuma County Superior Court, and YCAP shall refer individuals who are identified
8 through validated risks assessments to potentially have mental health and/or substance abuse issues,
9 and do not have healthcare to the RBHA for enrollment, assessment, and engagement in treatment
10 services to target identified needs. The RBHA shall determine whether the referred individuals qualify
11 for enrollment and services.
12 2. The Yuma County Superior Court and YCAP shall provide the RBHA and or MCO or its
13 contractors with copies of risk assessment and case plans on identified individuals when referring the
14 individuals for treatment.
15 3. The Yuma County Superior Court, YCAP, the RBHA and or MCO its subcontractors, shall
16 implement protocols for the release and exchange of information as required by this order, in a manner
17 that will accommodate routine as well as emergency requests for information 24 hours a day – seven
18 days a week.
19 4. The Yuma County Superior Court, and YCAP shall maintain the confidentiality of all
20 information provided to or from the RBHA and or MCO and its contractors pursuant to this
21 Administrative Order and shall not disseminate such information to any person or entity not under its
22 supervision and control, except as provided by applicable law, rule, regulation or court order. No
23 database inquiries into the RBHA and or MCO records shall be permitted by any designated county
24 Superior Court or Adult Probation Department employee except for the limited purpose set forth in
25 this Administrative Order.
26 5. The RBHA and or MCO and its subcontractors shall maintain the confidentiality of
27 information provided by the Yuma County Superior Court, and YCAP pursuant to this Administrative
28 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 Yuma County Superior Court, or YCAP 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.

23 DATED this 9th day of June 2020.

24
25
26 
27 Honorable David M. Haws
28 Presiding Judge

Original filed with:

Hon. Lynn Fazz, Clerk of the Superior Court

Copies to:

Hon. Mark Wayne Reeves, Div. 1
Hon. R. Erin Farrar, Div. 2
Hon. Larry Kenworthy, Div. 3
Hon. Roger A. Nelson, Div. 5
Hon. Brandon S. Kinsey, Div. 6
Hon. Kathryn Stocking-Tate, Comm. 1
Hon. Stephen J. Rouff, Comm. 2
Hon. Levi Gunderson, Comm. 3
Hon. Gregory Stewart, Justice Court Precinct 1
Hon. Darci D. Weede, Justice Court Precinct 1, Pro Tem
Hon. Juan Guerrero, Justice Court Precinct 2
Hon. Russ Jones, Justice Court Precinct 3/Wellton Municipal Court
Hon. James Coil, Yuma Municipal Court
Hon. Manuel Figueroa, Somerton Municipal Court
Hon. Nohemy Echavarria, San Luis Municipal Court
Kathleen M. Schaben, Court Administrator
Tim D. Hardy, Director of Juvenile Court
Ryan M. Byrd, Interim Chief Adult Probation Officer
Dona Miller-Robbins, Caseflow Manager
Martin Mendez, Justice Court Administrator
Susan K. Thorpe, County Administrator
Hon. Jon R. Smith, Yuma County Attorney
Sheriff Leon N. Wilmot, Yuma County Sheriff's Office
Capt. J.D. Lackie, Yuma County Sheriff's Office
Michael Breeze, Yuma County Public Defender
Terri L. Capozzi, Yuma County Legal Defender
Shannon Gunderman, Conflict Administrator
Yuma County Bar Association