

**IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF GUIDELINES FOR)	ADMINISTRATIVE ORDER
THE APPOINTMENT OF MENTAL HEALTH)	NO. 2008-117
EXPERTS FOR ADULT COURT CRIMINAL)	
RULE 11 COMPETENCY EVALUATIONS)	
_____)	

Court appointments of mental health experts for criminal competency evaluations in adult court proceedings are made pursuant to A.R.S. § 13-4501, et seq., and Rule 11, Ariz.R.Crim.P.

A.R.S. § 13-4501(3) defines a “mental health expert” as a physician who is licensed pursuant to Title 32, Chapter 13 or 17 or a psychologist who is licensed pursuant to Title 32, Chapter 19.1 and who is:

- A. Familiar with this state’s competency standards and statutes;
- B. Familiar with the treatment, training and restoration programs that are available in this state; and
- C. Certified by the court as meeting ***court developed guidelines*** using recognized programs or standards.

Similarly, Rule 11.3(b), Ariz.R.Crim.P. defines a “mental health expert” as any physician who is licensed pursuant to Title 32, Chapter 13 and 17 or any psychologist who is licensed pursuant to Title 32, Chapter 19.1.

The mental health expert must be familiar with this state’s competency standards and statutes; familiar with the treatment, training and restoration programs that are available in this state; and approved by the court as meeting ***court developed guidelines***. Guidelines shall include demonstration of experience in forensics matters, required attendance at a court-approved training program of not less than 16 hours and any continuing forensic education programs required by the court, and annual review criteria.

Currently, court appointed mental health experts for competency evaluations in adult court proceedings are chosen from a list of providers contracting with the Correctional Health Services for Maricopa County. The mental health expert qualifications for the providers on this list are as follows:

- A. Qualifications for Physicians: A physician wishing to qualify as a “mental health expert” defined under A.R.S. § 13-4505(A) shall:
 - 1. Be a Medical Doctor or Osteopathic Physician currently licensed by the State of Arizona under Title 32, Chapters 13 or 17; and

2. Be a graduate of a residency program in psychiatry accredited by the American College of Graduate Medical Education or foreign equivalent; and
 3. Submit to the court evidence of forensic experience and/or training in forensic psychiatry, as evidenced by either a, b, c or d below:
 - a. Completion of one or more years of a Forensic Psychiatry fellowship and three references familiar with the work product, at least one of whom is a superior court judge or commissioner, concerning the vendor's practice of forensic psychiatry; or
 - b. Certification by the American Board of Forensic Psychiatry or added qualifications in forensic psychiatry by the American Board of Psychiatry and Neurology and three references familiar with the work product, at least one of whom is a superior court judge or commissioner, concerning the vendor's practice of forensic psychiatry; or
 - c. Three years of post-residency experience, including 500 hours in forensic psychiatry, substantiated by submission of at least five written reports concerning competency to stand trial and three references familiar with the work product, at least one of whom is a superior court judge, commissioner or hearing officer concerning the vendor's practice of forensic psychiatry; or
 - d. Two years of post-residency experience, with documentation of at least 1) 30 cumulative hours of forensic CME, or 2) residency training in forensic psychiatry within the previous three years and completion of the court-approved clinical preceptorship, and three references concerning the vendor's practice of psychiatry who are familiar with the work product.
- B. Qualifications for Psychologists: A psychologist wishing to qualify as a "mental health expert" defined under A.R.S. § 13-4505(A) shall:
1. Be licensed pursuant to Title 32, Chapter 19.1; and
 2. Have completed training and/or gained experience in one of the following ways:
 - a. Diplomat status by the American Board of Forensic Psychology (American Board of Professional Psychology) and submission of three references familiar with the work product, at least one of whom is a superior court judge or commissioner, concerning the vendor's practice of forensic psychology; or

- b. Three years of post-doctoral (although not necessarily post-licensure) experience in the practice of psychology including either 1) one year (500 hours) of pre-doctoral forensic training with appropriate supervision as defined in A.R.S. § 32-2071(D) or 2) one year (1500 hours) of post-doctoral forensic training, fellowship, or verifiable work experience in a forensic setting, and submission of three references familiar with the work product, at least one of whom is a superior court judge or commissioner, concerning the vendor's practice of forensic psychology. If this training or experience is undertaken prior to licensure, it shall be appropriately supervised as defined in A.R.S. § 32-2071(E); or
- c. Five years of post-licensure practice of psychology as defined in A.R.S. § 32-2061(7). In addition, 500 hours of documented experience in forensic psychology, plus 30 hours of continuing education in forensic psychology, and submission of three references familiar with the work product, at least one of whom is a superior court judge or commissioner, concerning the vendor's practice of forensic psychology; or
- d. Five years of post-licensure practice of psychology as defined in A.R.S. § 32-2601(7) plus willingness to attend court-approved clinical preceptorship and submission of three references concerning the applicant's practice of psychology who are familiar with the work product.

In addition to the foregoing qualifications, mental health experts also must agree to participate in periodic forensic education training sessions pursuant to Rule 11.3(b), including the 16 hours court-approved training program.

In light of the authorities and mental health expert qualifications set forth above,

IT IS ORDERED adopting the following **guidelines** for the appointment of mental health experts within the meaning of A.R.S. § 13-4501(3)(c), and Rule 11.3(b) as follows:

1. That the mental health expert is qualified, approved and in good standing as an independent contract provider within the terms and conditions established by the Mental Health Services contract administered through the Correctional Health Services for Maricopa County

or

2. That the mental health expert is qualified and meets the terms and conditions of employment as a psychologist or psychiatrist for the Competency Evaluation Program for Maricopa County;

and

3. That the mental health expert agrees to be compliant with any and all additional court-approved forensic education training sessions or programs while employed or while providing services as an independent contractor, as required by the Arizona Supreme Court or the Presiding Judge of the Superior Court for Maricopa County in conformance with Rule 11.3(b). The Forensic Services Department of the Superior Court shall conduct an annual review to determine whether current mental health experts are in compliance with court-required forensic training and education sessions or programs, and whether any have been the subject of professional disciplinary proceedings.

DATED this 18th day of September, 2008

Barbara Rodriguez Mundell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Anna Baca, Criminal Presiding Judge
Hon. Karen O'Connor, Probate and Mental Health Presiding Judge
Hon. Eileen Willett, Juvenile Presiding Judge
Criminal Court Judges and Commissioners
Andrew Thomas, Maricopa County Attorney
James Haas, Maricopa County Public Defender
James Logan, Office of Public Defense Services
Bruce Peterson, Office of Legal Advocate
Betty Adams, Correctional Health Services
Marcus Reinkensmeyer, Judicial Branch Administrator
Bob James, Criminal Court Administrator
Paula Collins, Probate and Mental Health Court Administrator
Sheila Tickle, Juvenile Court Administrator