

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

IN THE MATTER OF THE SHARING OF )  
MENTAL HEALTH INFORMATION FOR )  
COURT-INVOLVED ADULTS AND YOUTH )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 2018-130

WHEREAS, individuals with serious mental illness (SMI) frequently enter the criminal justice system and are denied privileges and services while detained, which would otherwise be available to them if the Court was aware of the individual's SMI designation; and

WHEREAS, youth enrolled or previously enrolled in children's services for mental illness frequently enter the juvenile justice system and are denied privileges and services while detained, which would otherwise be available to them if the Court was aware of the youth's status as enrolled in children's services; and

WHEREAS, the Maricopa County Adult Probation Department (APD) and the Maricopa County Juvenile Probation Department (JPD) provide recommendations to the Court for sentencing and supervision, and information regarding SMI and services would be beneficial to those recommendations and to provide for continuity of care and supervision; 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 Health Care Cost Containment System (AHCCCS) contracts with the AHCCCS Health Plans, and their contracted providers need to share information with the Maricopa County Superior Court including APD and JPD through direct access database inquiries 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 referrals to appropriate mental health care treatment agencies,

**IT IS ORDERED** that the AHCCCS contracted health plans shall provide direct, real-time access to the entire client database including all youth enrolled or previously enrolled in children's services to the Maricopa County Superior Court, APD, and JPD for individuals who have been arrested or detained, involved with Adult or Juvenile Probation departments, 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 in AHCCCS, and if so, the individual's behavioral health category,
- e. Whether the subject individual is enrolled or previously enrolled in AHCCCS as a youth involved in children's services, and
- f. Name of clinic or provider, name of case manager and telephone number.

**IT IS FURTHER ORDERED** as follows:

1. The Maricopa County Superior Court, APD, and JPD shall refer individuals who are identified through validated risk assessments to potentially have mental health and/or substance abuse issues, and do not have healthcare to AHCCCS Contracted Health Plans for healthcare enrollment, assessment, and engagement in treatment services to target identified needs.
2. The Maricopa County Superior Court, APD, and JPD shall provide the AHCCCS Contracted Health Plans or contracted provider(s) with copies of risk assessments and case plans on identified individuals when referring the individuals for treatment. AHCCCS Contracted Health Plan Juvenile justice liaisons may have limited access to Maricopa County Superior Court or JPD records and case management systems to perform queries to assist with gathering information for healthcare enrollment, assessment, and engagement in treatment services to target identified needs.
3. The Maricopa County Superior Court, APD, JPD, Maricopa County Juvenile Detention Medical and Psychological Services, Maricopa County Correctional Health Services, and the AHCCCS Contracted Health Plans 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 24 hours a day – seven days a week, and that will permit direct, real-time database inquiries to be performed by designated Maricopa County Superior Court, APD and JPD to search and access the information designated above.
4. The Maricopa County Superior Court, APD, and JPD shall maintain the confidentiality of all information provided to or from the AHCCCS Contracted Health Plans 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 queries shall be permitted by any designated Maricopa County Superior Court, APD, or JPD employee

except for the limited purposes set forth in this Administrative Order.

5. The AHCCCS Contracted Health Plans shall maintain the confidentiality of information provided by the Maricopa County Superior Court, APD, and JPD 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 queries into the Maricopa County Superior Court, APD, or JPD records and case management systems shall be permitted by any AHCCCS Contracted Health Plan employee except for the limited purposes set forth in this Administrative Order.

**IT IS FURTHER ORDERED** this Administrative Order supersedes Administrative Order No. 2014-092.

Dated this 7th day of September, 2018.

/s/ Janet E. Barton

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Hon. Janet E. Barton  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Sam Myers, Criminal Department Presiding Judge  
Hon. Tim Ryan, Juvenile Department Presiding Judge  
Hon. Andrew Klein, Probate/Mental Health Department Presiding Judge  
Raymond L. Billotte, Judicial Branch Administrator  
Barbara Broderick, Chief Adult Probation Department  
Eric Meaux, Chief Juvenile Probation Department  
Richard Woods, Deputy Court Administrator  
Shawn Friend, Deputy Court Administrator  
Christopher Bleuenstein, Criminal Department Administrator  
Cheri Clark, Juvenile Department Administrator  
Sheila Tickle, Probate/Mental Health Department Administrator