

IN THE CITY COURT OF SCOTTSDALE
Maricopa County, State of Arizona

In the Matter of:

ESTABLISHING PROCEDURES
TO SHARE HEALTHCARE
INFORMATION

Court Order
No. 2021 –01

WHEREAS it is in the best interest of the public, and the criminal justice system 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 criminal justice system, especially as the result of an arrest, and;

WHEREAS frequently, individuals with mental illness enter the criminal justice system through arrest or detention and while detained, are denied privileges and services, such as release from custody or mental health treatment, which would be otherwise available to them if the courts were aware of their illness, 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 the Privacy Rule of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") 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.; and

WHEREAS Scottsdale City Court has partnered with the City of Scottsdale Human Services department to create a Community Intervention Court to aid defendant's experiencing homelessness and or mental health related issues and;

WHEREAS in order to facilitate the identification, and referral of such individuals to appropriate mental health care treatment agencies in an expeditious manner, it is essential that AHCCCS contracted health plans be able to provide the Community Intervention Court team through inquiries or other means, certain types of limited identifying information that will assist in referrals to appropriate medical professionals to better provide a continuity of care for the mentally ill, accordingly

IT IS ORDERED that:

1. Scottsdale Human Services shall appoint a Human Services Specialist as a member of the Scottsdale Community Intervention Court team.
2. AHCCCS contracted health plans shall provide to the Community Intervention Court Team the following information for all individuals who have been arrested or detained, or for individuals who are the subject of court proceedings pursuant to Arizona Revised Statutes, and which information is available within said database and not otherwise prohibited by federal law:
 - a. Name, and known aliases of the individual,
 - b. Date of birth,
 - c. Gender,
 - d. Social Security Number.
 - e. Name of provider agency and telephone number, and
 - f. Enrollment/program type (e.g. SMI, GMH/SA, Crisis, etc.);
3. The Scottsdale City Court Community Intervention Court Team, and AHCCCS contracted health plans shall implement protocols for the release and exchange of information required by this Order, in a manner that will accommodate both routine and emergency requests for information around the clock (24 hours a day, seven days a week), and that will permit inquiries to be performed by designated Scottsdale City Court staff to access the information designated above.
4. The Scottsdale City Court and Scottsdale Human Services shall maintain the confidentiality of all information provided by AHCCCS contracted health plans and other health care providers, 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 or regulation. No inquiries into the AHCCCS eligibility status of any individual shall be permitted by any designated Scottsdale City Court employee except for the limited purposes set forth in this Administrative Order.

IT IS FURTHER ORDERED that all persons, including but not limited to, prosecutors, defense attorneys, public defenders, or those whose access may be required by the needs of the case, are hereby bound by the strict limited use of any confidential information for the exclusive resolution of the case and the interests of the defendant, or otherwise only at the specific direction of the court.

Dated this 25th day of February, 2021

/s/

JOSEPH OLCAVAGE

Presiding Judge