

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 97-7

**DELIVERY OF BEHAVIORAL HEALTH CARE
SERVICES IN MARICOPA COUNTY**

WHEREAS, the Arizona Department of Health Services (ADHS) contracts pursuant to A.R.S. § 36-3407 with regional behavioral health authorities (RBHAS) to provide for the provision of services relating to the seriously mentally ill; and contracts with RBHAS pursuant to A.R.S. § 36-3431 and A.R.S. § 36-3403 for behavioral health system services for children, and contracts with RBHAS pursuant to A.R.S. § 36-2001, A.R.S. § 36-141, and A.R.S. § 36-3403 contracts for services for additive behavior and drug abuse services; and

WHEREAS, the Arizona Department of Health Services contracts with RBHAS to provide medically necessary behavioral health services to eligible persons, as set forth in a contract, pursuant to A.R.S. § 36-2907(E), between the ADHS and the Arizona Health Care Containment System Administration; and

WHEREAS, the contracts between the ADHS and RBHAS require, pursuant to A.R.S. § 36-3412, that the RBHAS meet minimum capitalization requirements; maintain financial security; and

WHEREAS, the State is obligated, pursuant to stipulations and orders entered in the *Arnold v. Sarn* case, Maricopa County Case No. C-432355 to ensure that a comprehensive community health system provide a continuum of services for the seriously mentally ill; and

WHEREAS, the RBHAS in Maricopa County, COMCARE, Inc. has failed to supply sufficient and satisfactory assurances that it is in compliance with the financial requirements or that it is able or intends to maintain a comprehensive health system providing a continuum of care which is required by the stipulations and orders entered in the *Arnold v. Sarn* case; and failed

to provide sufficient and satisfactory assurances that it is able or intends to maintain necessary levels of service; and

WHEREAS, these failures create a threat to the health, safety, and welfare of the public, without intervention by the government agencies;

NOW, THEREFORE, I, Fife Symington, Governor of the State of Arizona, under authority provided by A.R.S. § 36-3412, hereby declare that an emergency situation exists in the area of behavioral health services delivery in which the health, safety, or welfare of the public will be threatened without intervention by government entities. I further direct the ADHS to operate as the regional behavioral health authority for Maricopa County, or undertake action to negotiate and award, with or without a bid, a contract to an entity to serve the regional behavioral health authority for Maricopa County.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON
Governor

DONE at the Capitol in Phoenix this twenty-second day of July in the year of our Lord one thousand nine hundred and ninety-seven and of the Independence of the United States the two hundred and twenty-first.

ATTEST:

JANE DEE HULL
Secretary of State