

243 (c) what forms of treatment would substantially benefit the respondent, if the examiner  
 244 determines that the respondent has a substance use disorder; and

245 (d) the appropriate duration for essential treatment, if essential treatment is  
 246 recommended.

247 (4) An essential treatment examiner shall certify the examiner's findings to the court  
 248 within 24 hours after completion of the examination.

249 (5) The court may, based upon the findings of the essential treatment examiners,  
 250 terminate the proceedings and dismiss the petition.

251 (6) The parties may, at any time, make a binding stipulation to an essential treatment  
 252 plan and submit that plan to the court for court order.

253 (7) At the hearing, the petitioner and the respondent may testify and may  
 254 cross-examine witnesses.

255 (8) If, upon completion of the hearing, the court finds that the criteria in Section  
 256 62A-15-1204 are met, the court shall order essential treatment for an initial period that:

257 (a) does not exceed 360 days, subject to periodic review as provided in Section  
 258 62A-15-1206; and

259 (b) (i) is recommended by an essential treatment examiner; or  
 260 (ii) is otherwise agreed to at the hearing.

261 (9) The court shall designate the facility for the essential treatment, as:

262 (a) described in the petition;

263 (b) recommended by an essential treatment examiner; or

264 (c) agreed to at the hearing.

265 (10) The court shall issue an order that includes the court's findings and the reasons for  
 266 the court's determination.

267 (11) The court may order the petitioner to be the respondent's personal representative,  
 268 as described in 45 C.F.R. Sec. 164.502(g), for purposes of the respondent's essential treatment.

269 Section 8. Section **62A-15-1206** is enacted to read:

270 **62A-15-1206. Periodic review -- Discharge.**

271 A local substance abuse authority or an approved treatment facility or program that  
 272 provides essential treatment shall:

273 (1) ~~H~~→ [as frequently as practicable] at least every 90 days after the day on which a  
 273a patient is admitted, unless a court orders otherwise ←~~H~~ , examine or cause to be examined a  
 273b patient who has

274 been ordered to receive essential treatment;

275 (2) notify the patient and the patient's personal representative or guardian, if any, of the  
276 substance and results of the examination;

277 (3) discharge an essential treatment patient if the examination determines that the  
278 conditions justifying essential treatment and intervention no longer exist; and

279 (4) after discharging an essential treatment patient, send a report describing the reasons  
280 for discharge to the clerk of the court where the proceeding for essential treatment was held and  
281 to the patient's personal representative or guardian, if any.

282 Section 9. Section **62A-15-1207** is enacted to read:

283 **62A-15-1207. Seventy-two-hour emergency treatment.**

284 (1) A court may order a respondent to be hospitalized for up to 72 hours if:

285 (a) an essential treatment examiner has examined the respondent and certified that the  
286 respondent meets the criteria described in Section 62A-15-1204; and

287 (b) the court finds by clear and convincing evidence that the respondent presents an  
288 imminent threat of serious harm to self or others as a result of a substance use disorder.

289 (2) An individual who is admitted to a hospital under this section shall be released  
290 from the hospital within 72 hours after admittance, unless a treating physician or essential  
291 treatment examiner determines that the individual continues to pose an imminent threat of  
292 serious harm to self or others.

293 (3) If a treating physician or essential treatment examiner makes the determination  
294 described in Subsection (2), the individual may be ~~H~~→ **[essential treatment]** ~~H~~ **detained** ←~~H~~ for as  
294a long as the threat  
295 of serious harm remains imminent, but not more than 10 days after the day on which the  
296 individual was hospitalized, unless a court orders otherwise.

297 (4) A treating physician or an essential treatment examiner shall, as frequently as  
298 practicable, examine an individual hospitalized under this section and release the individual if  
299 the examination determines that a threat of imminent serious harm no longer exists.

300 Section 10. Section **62A-15-1208** is enacted to read:

301 **62A-15-1208. Confidentiality.**

302 (1) The purpose of Title 62A, Chapter 15, Part 12, Essential Treatment and  
303 Intervention Act, is to provide a process for essential treatment and intervention to save lives,  
304 preserve families, and reduce substance use disorder, including opioid addiction.