

By Senator Siplin

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1 A bill to be entitled
2 An act relating to advanced registered nurse
3 practitioners; amending s. 394.463, F.S.; authorizing
4 advanced registered nurse practitioners to initiate
5 involuntary examinations under the Baker Act of
6 persons believed to have mental illness; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (2) of section
12 394.463, Florida Statutes, is amended to read:

13 394.463 Involuntary examination.—

14 (2) INVOLUNTARY EXAMINATION.—

15 (a) An involuntary examination may be initiated by any one
16 of the following means:

17 1. A court may enter an ex parte order stating that a
18 person appears to meet the criteria for involuntary examination,
19 giving the findings on which that conclusion is based. The ex
20 parte order for involuntary examination must be based on sworn
21 testimony, written or oral. If other less restrictive means are
22 not available, such as voluntary appearance for outpatient
23 evaluation, a law enforcement officer, or other designated agent
24 of the court, shall take the person into custody and deliver him
25 or her to the nearest receiving facility for involuntary
26 examination. The order of the court shall be made a part of the
27 patient's clinical record. No fee shall be charged for the
28 filing of an order under this subsection. Any receiving facility
29 accepting the patient based on this order must send a copy of

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30 the order to the Agency for Health Care Administration on the
31 next working day. The order shall be valid only until executed
32 or, if not executed, for the period specified in the order
33 itself. If no time limit is specified in the order, the order
34 shall be valid for 7 days after the date that the order was
35 signed.

36 2. A law enforcement officer shall take a person who
37 appears to meet the criteria for involuntary examination into
38 custody and deliver the person or have him or her delivered to
39 the nearest receiving facility for examination. The officer
40 shall execute a written report detailing the circumstances under
41 which the person was taken into custody, and the report shall be
42 made a part of the patient's clinical record. Any receiving
43 facility accepting the patient based on this report must send a
44 copy of the report to the Agency for Health Care Administration
45 on the next working day.

46 3. A physician, clinical psychologist, psychiatric nurse,
47 mental health counselor, marriage and family therapist, ~~or~~
48 clinical social worker, or advanced registered nurse
49 practitioner may execute a certificate stating that he or she
50 has examined a person within the preceding 48 hours and finds
51 that the person appears to meet the criteria for involuntary
52 examination and stating the observations upon which that
53 conclusion is based. If other less restrictive means are not
54 available, such as voluntary appearance for outpatient
55 evaluation, a law enforcement officer shall take the person
56 named in the certificate into custody and deliver him or her to
57 the nearest receiving facility for involuntary examination. The
58 law enforcement officer shall execute a written report detailing

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59 the circumstances under which the person was taken into custody.
60 The report and certificate shall be made a part of the patient's
61 clinical record. Any receiving facility accepting the patient
62 based on this certificate must send a copy of the certificate to
63 the Agency for Health Care Administration on the next working
64 day.

65 Section 2. This act shall take effect July 1, 2012.