

By Representative Harrell

1                                   A bill to be entitled  
 2           An act relating to mental health; amending s.  
 3           394.4597, F.S.; requiring a mental health  
 4           receiving facility to provide information  
 5           regarding the patient's representative to the  
 6           person or facility that initiated the patient's  
 7           involuntary examination or admission;  
 8           authorizing such person or facility to disclose  
 9           the whereabouts of the patient to the patient's  
 10          representative; amending s. 394.462, F.S.;  
 11          clarifying provisions relating to  
 12          transportation of a patient to a mental health  
 13          receiving facility for involuntary examination;  
 14          revising circumstances under which law  
 15          enforcement is required to, or may decline to,  
 16          take custody and provide such transportation;  
 17          providing certain minimum standards for  
 18          companies contracting to transport patients;  
 19          providing an effective date.

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

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 23           Section 1. Paragraphs (f) and (g) are added to  
 24           subsection (2) of section 394.4597, Florida Statutes, to read:  
 25           394.4597 Persons to be notified; patient's  
 26           representative.--

27           (2) INVOLUNTARY PATIENTS.--

28           (f) Notwithstanding any other law regarding the  
 29           patient's right to confidentiality of medical information, the  
 30           receiving facility shall promptly notify the family member,  
 31           provider, or facility that initiated the patient's involuntary

1 examination or admission of the name and telephone number of  
2 the patient's representative.

3 (g) Notwithstanding any other law regarding the  
4 patient's right to confidentiality of medical information, the  
5 family member, provider, or facility that initiated the  
6 patient's involuntary examination or admission is authorized  
7 to disclose the whereabouts of the patient to the patient's  
8 representative.

9 Section 2. Paragraphs (a), (c), (g), (j), and (k) of  
10 subsection (1) and paragraph (c) of subsection (2) of section  
11 394.462, Florida Statutes, are amended to read:

12 394.462 Transportation.--

13 (1) TRANSPORTATION TO A RECEIVING FACILITY.--

14 (a) Each county shall designate a single law  
15 enforcement agency within the county, or portions thereof, to  
16 promptly take a person into custody upon the entry of an ex  
17 parte order or the execution of a certificate for involuntary  
18 examination by an authorized professional and to transport  
19 that person to the nearest receiving facility for examination.  
20 Unless otherwise specified in the ex parte order or the  
21 certificate for involuntary examination, the designated law  
22 enforcement agency may decline to take custody of and  
23 transport the person to a receiving facility ~~only~~ if:

24 1. The governing board of the county or the law  
25 enforcement agency ~~jurisdiction~~ designated by the county has  
26 contracted ~~on an annual basis~~ with an emergency medical  
27 transport service or private transport company for  
28 transportation of persons to receiving facilities pursuant to  
29 this section at the sole cost of the county; and

30 2. The ~~law enforcement agency and the~~ emergency  
31 medical transport service or private transport company has

1 promptly taken custody of the person and has determined ~~agree~~  
2 that the ~~continued~~ presence of law enforcement personnel is  
3 not necessary for the safety of the person or others.

4         3. The county or the law enforcement agency  
5 ~~jurisdiction~~ designated by the county may seek reimbursement  
6 for transportation expenses. The party responsible for  
7 payment for such transportation is the person receiving the  
8 transportation. The county or the law enforcement agency  
9 designated by the county shall seek reimbursement from the  
10 following sources in the following order:

11             a. From an insurance company, health care corporation,  
12 or other source, if the person receiving the transportation is  
13 covered by an insurance policy or subscribes to a health care  
14 corporation or other source for payment of such expenses.

15             b. From the person receiving the transportation.

16             c. From a financial settlement for medical care,  
17 treatment, hospitalization, or transportation payable or  
18 accruing to the injured party.

19             (c) Any company that contracts with a governing board  
20 of a county or a law enforcement agency to transport patients  
21 shall comply with the applicable rules of the department to  
22 ensure the safety and dignity of the patients. The rules shall  
23 require minimum standards for the vehicle, training of  
24 personnel who have the responsibility for transporting,  
25 procedures for reporting unusual events or injuries, and  
26 procedures for use of restraints.

27             (g) When any law enforcement officer has arrested a  
28 person for a felony and it appears that the person meets the  
29 statutory guidelines for involuntary examination or placement  
30 under this part, such person shall first be processed in the  
31 same manner as any other criminal suspect. The law

1 enforcement agency shall thereafter immediately notify the  
2 nearest public receiving facility, which shall be responsible  
3 for promptly arranging for the examination and treatment of  
4 the person. A receiving facility is not required to admit a  
5 person charged with a crime for whom the facility determines  
6 and documents that it is unable to provide adequate security,  
7 but shall provide mental health examination by a physician or  
8 a clinical psychologist and treatment to the person where he  
9 or she is held.

10 (j) The nearest receiving facility must accept persons  
11 brought for involuntary examination by law enforcement  
12 officers or an emergency medical transport service or private  
13 transport company pursuant to this section ~~for involuntary~~  
14 ~~examination.~~

15 (k) When a governing board of a county or a law  
16 enforcement agency ~~jurisdiction~~ has entered into a contract  
17 with an emergency medical transport service or a private  
18 transport company for transportation of persons to receiving  
19 facilities, such service or company shall be given preference  
20 for transportation of persons from nursing homes, assisted  
21 living facilities, adult day care centers, or adult  
22 family-care homes, unless the behavior of the person being  
23 transported is such that transportation by a law enforcement  
24 officer is necessary.

25 (2) TRANSPORTATION TO A TREATMENT FACILITY.--

26 (c) Any company that contracts with the governing  
27 board of a county to transport patients shall comply with the  
28 applicable rules of the department to ensure the safety and  
29 dignity of the patients. The rules shall require minimum  
30 standards for the vehicle, training of personnel who have the  
31 responsibility for transporting, procedures for reporting

1 unusual events or injuries, and procedures for use of  
2 restraints.

3 Section 3. This act shall take effect July 1, 2002.

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6 HOUSE SUMMARY

7 Requires a mental health receiving facility to promptly  
8 notify the family member, provider, or facility that  
9 initiated a patient's involuntary examination or  
10 patient's representative. Authorizes such person,  
11 provider, or facility to disclose the whereabouts of the  
12 patient to the patient's representative. Clarifies  
13 provisions relating to transportation of a patient to a  
14 mental health receiving facility for involuntary  
15 examination. Revises circumstances under which law  
16 enforcement is required to, or may decline to, take  
17 custody of a patient and provide such transportation.  
18 Requires certain minimum standards relating to vehicles,  
19 personnel training, reporting of injuries, and use of  
20 restraints for companies contracting to transport  
21 patients.  
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