

By the Committee on Judiciary; and Senator Lynn

308-2010-03

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A bill to be entitled
An act relating to involuntary commitment under
the Baker Act; amending s. 394.463, F.S.;
providing that a patient admitted for
involuntary examination to a hospital may not
be released without the approval of the
emergency department physician and completion
of a mental health screening; providing an
effective date.

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

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

394.463 Involuntary examination.--

(2) INVOLUNTARY EXAMINATION.--

(f) A patient shall be examined by a physician or
clinical psychologist at a receiving facility without
unnecessary delay and may, upon the order of a physician, be
given emergency treatment if it is determined that such
treatment is necessary for the safety of the patient or
others. The patient may ~~shall~~ not be released by the
receiving facility or its contractor without the documented
approval of a psychiatrist, a ~~or~~ clinical psychologist, or, if
the receiving facility is a hospital, an attending emergency
department physician with experience in the diagnosis and
treatment of mental and nervous disorders and after completion
of a mental health screening pursuant to s. 394.463(2).
However, a patient may not be held in a receiving facility for
involuntary examination longer than 72 hours.

1 Section 2. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 SB 340

7 Qualifies that a hospital emergency department physician only
8 has authority to release a patient involuntarily detained
9 under the Baker Act if the physician has diagnostic and
10 treatment experience in mental and nervous disorders, the
11 patient has already undergone medical screening and the
12 hospital is designated as a receiving facility.
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