

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Simmons offered the following:

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3 **Amendment to Amendment (866277)**

4 Remove line(s) 97-188 and insert:

5 Section 4. Subsection (1) and paragraphs (e), (g), and (i)
6 of subsection (2) of section 394.463, Florida Statutes, are
7 amended to read:

8 394.463 Involuntary examination.--

9 (1) CRITERIA.--A person may be taken to a receiving
10 facility for involuntary examination if there is reason to
11 believe that the person has a mental illness ~~he or she is~~
12 ~~mentally ill~~ and because of his or her mental illness:

13 (a)1. The person has refused voluntary examination after
14 conscientious explanation and disclosure of the purpose of the
15 examination; or

Amendment No. (for drafter's use only)

16 2. The person is unable to determine for himself or
17 herself whether examination is necessary; and

18 (b)1. Without care or treatment, the person is likely to
19 suffer from neglect or refuse to care for himself or herself;
20 such neglect or refusal poses a real and present threat of
21 substantial harm to his or her well-being; and it is not
22 apparent that such harm may be avoided through the help of
23 willing family members or friends or the provision of other
24 services; or

25 2. There is a substantial likelihood that without care or
26 treatment the person will cause serious bodily harm to himself
27 or herself or others in the near future, as evidenced by recent
28 behavior.

29 (2) INVOLUNTARY EXAMINATION.--

30 (e) The Agency for Health Care Administration shall
31 receive and maintain the copies of ex parte orders, involuntary
32 outpatient placement orders issued pursuant to s. 394.4655,
33 involuntary inpatient placement orders issued pursuant to s.
34 394.467, professional certificates, and law enforcement
35 officers' reports. These documents shall be considered part of
36 the clinical record, governed by the provisions of s. 394.4615.
37 The agency shall prepare annual reports analyzing the data
38 obtained from these documents, without information identifying
39 patients, and shall provide copies of reports to the department,
40 the President of the Senate, the Speaker of the House of
41 Representatives, and the minority leaders of the Senate and the
42 House of Representatives.

433607

Amendment No. (for drafter's use only)

43 (g) A person for whom an involuntary examination has been
44 initiated who is being evaluated or treated at a hospital for an
45 emergency medical condition specified in s. 395.002 must be
46 examined by a receiving facility within 72 hours. The 72-hour
47 period begins when the patient arrives at the hospital and
48 ceases when the attending physician documents that the patient
49 has an emergency medical condition. If the patient is examined
50 at a hospital providing emergency medical services by a
51 professional qualified to perform an involuntary examination and
52 is found as a result of that examination not to meet the
53 criteria for involuntary outpatient placement pursuant to s.
54 394.4655(1) or involuntary inpatient placement pursuant to s.
55 394.467(1), the patient may be offered voluntary placement, if
56 appropriate, or released directly from the hospital providing
57 emergency medical services. The finding by the professional
58 that the patient has been examined and does not meet the
59 criteria for involuntary inpatient placement or involuntary
60 outpatient placement must be entered into the patient's clinical
61 record. Nothing in this paragraph is intended to prevent a
62 hospital providing emergency medical services from appropriately
63 transferring a patient to another hospital prior to
64 stabilization, provided the requirements of s. 395.1041(3)(c)
65 have been met.

66 (i) Within the 72-hour examination period or, if the 72
67 hours ends on a weekend or holiday, no later than the next
68 working day thereafter, one of the following actions must be
69 taken, based on the individual needs of the patient:

433607

Amendment No. (for drafter's use only)

70 1. The patient shall be released, unless he or she is
71 charged with a crime, in which case the patient shall be
72 returned to the custody of a law enforcement officer;

73 2. The patient shall be released, subject to the
74 provisions of subparagraph 1., for voluntary outpatient
75 treatment;

76 3. The patient, unless he or she is charged with a crime,
77 shall be asked to give express and informed consent to placement
78 as a voluntary patient, and, if such consent is given, the
79 patient shall be admitted as a voluntary patient; or

80 4. A petition for involuntary placement shall be filed in
81 the circuit appropriate court by the facility administrator when
82 outpatient or inpatient treatment is deemed necessary. When
83 inpatient treatment is deemed necessary; in which case, the
84 least restrictive treatment consistent with the optimum
85 improvement of the patient's condition shall be made available.
86 When a petition is to be filed for involuntary outpatient
87 placement, it shall be filed by one of the petitioners specified
88 in s. 394.4655(3)(a). A petition for involuntary inpatient
89 placement shall be filed by the facility administrator.