

Bill No. CS for CS for CS for CS for SB 700

Amendment No. \_\_\_\_ Barcode 382396

CHAMBER ACTION

Senate

House

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Senators Peaden and Smith moved the following amendment:

**Senate Amendment**

On page 5, line 4, through  
page 8, line 6, delete those lines

and insert:

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

394.463 Involuntary examination.--

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

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

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

(b)1. Without care or treatment, the person is likely

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1 to suffer from neglect or refuse to care for himself or  
 2 herself; such neglect or refusal poses a real and present  
 3 threat of substantial harm to his or her well-being; and it is  
 4 not apparent that such harm may be avoided through the help of  
 5 willing family members or friends or the provision of other  
 6 services; or

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

11           (2) INVOLUNTARY EXAMINATION.--

12           (e) The Agency for Health Care Administration shall  
 13 receive and maintain the copies of ex parte orders,  
 14 involuntary outpatient placement orders issued pursuant to s.  
 15 394.4655, involuntary inpatient placement orders issued  
 16 pursuant to s. 394.467, professional certificates, and law  
 17 enforcement officers' reports. These documents shall be  
 18 considered part of the clinical record, governed by the  
 19 provisions of s. 394.4615. The agency shall prepare annual  
 20 reports analyzing the data obtained from these documents,  
 21 without information identifying patients, and shall provide  
 22 copies of reports to the department, the President of the  
 23 Senate, the Speaker of the House of Representatives, and the  
 24 minority leaders of the Senate and the House of  
 25 Representatives.

26           (g) A person for whom an involuntary examination has  
 27 been initiated who is being evaluated or treated at a hospital  
 28 for an emergency medical condition specified in s. 395.002  
 29 must be examined by a receiving facility within 72 hours. The  
 30 72-hour period begins when the patient arrives at the hospital  
 31 and ceases when the attending physician documents that the

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1 patient has an emergency medical condition. If the patient is  
2 examined at a hospital providing emergency medical services by  
3 a professional qualified to perform an involuntary examination  
4 and is found as a result of that examination not to meet the  
5 criteria for involuntary outpatient placement pursuant to s.  
6 394.4655(1) or involuntary inpatient placement pursuant to s.  
7 394.467(1), the patient may be offered voluntary placement, if  
8 appropriate, or released directly from the hospital providing  
9 emergency medical services. The finding by the professional  
10 that the patient has been examined and does not meet the  
11 criteria for involuntary inpatient placement or involuntary  
12 outpatient placement must be entered into the patient's  
13 clinical record. Nothing in this paragraph is intended to  
14 prevent a hospital providing emergency medical services from  
15 appropriately transferring a patient to another hospital prior  
16 to stabilization, provided the requirements of s.  
17 395.1041(3)(c) have been met.

18 (i) Within the 72-hour examination period or, if the  
19 72 hours ends on a weekend or holiday, no later than the next  
20 working day thereafter, one of the following actions must be  
21 taken, based on the individual needs of the patient:

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

25 2. The patient shall be released, subject to the  
26 provisions of subparagraph 1., for voluntary outpatient  
27 treatment;

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

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1 or

2           4. A petition for involuntary placement shall be filed  
3 in the circuit ~~appropriate~~ court ~~by the facility administrator~~  
4 when outpatient or inpatient treatment is deemed necessary.  
5 ~~When inpatient treatment is deemed necessary; in which case,~~  
6 the least restrictive treatment consistent with the optimum  
7 improvement of the patient's condition shall be made  
8 available. When a petition is to be filed for involuntary  
9 outpatient placement, it shall be filed by one of the  
10 petitioners specified in s. 394.4655(3)(a). A petition for  
11 involuntary inpatient placement shall be filed by the facility  
12 administrator.

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