

Bill No. CS for SB 1090

Barcode 262816

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Rich) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 6, line 19, through  
page 7, line 22, delete those lines

and insert:

(d)1. The department must notify all parties of the proposed action taken under paragraph (c) in writing or by whatever other method best ensures that all parties receive notification of the proposed action within 48 hours after the motion is filed. If any party objects to the department's motion, that party shall file the objection within 2 working days after being notified of the department's motion. If any party files an objection to the authorization of the proposed psychotropic medication, the court shall hold a hearing as soon as possible before authorizing the department to initially provide or to continue providing psychotropic medication to a child in the legal custody of the department. At such hearing and notwithstanding s. 90.803, the medical

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1 report described in paragraph (c) is admissible in evidence.  
2 The prescribing physician need not attend the hearing or  
3 testify unless the court specifically orders such attendance  
4 or testimony, or a party subpoenas the physician to attend the  
5 hearing or provide testimony. If, after considering any  
6 testimony received, the court finds that the department's  
7 motion and the physician's medical report meet the  
8 requirements of this subsection and that it is in the child's  
9 best interests, the court may order that the department  
10 provide or continue to provide the psychotropic medication to  
11 the child without additional testimony or evidence. At any  
12 hearing held under this paragraph, the court shall further  
13 inquire of the department as to whether additional medical,  
14 mental health, behavioral, counseling, or other services are  
15 being provided to the child by the department which the  
16 prescribing physician considers to be necessary or beneficial  
17 in treating the child's medical condition and which the  
18 physician recommends or expects to provide to the child in  
19 concert with the medication. The court may order additional  
20 medical consultation, including consultation with the  
21 MedConsult line at the University of Florida, if available, or  
22 require the department to obtain a second opinion within a  
23 reasonable timeframe as established by the court, not to  
24 exceed 21 calendar days, after such order based upon  
25 consideration of the best interests of the child. The  
26 department must make a referral for an appointment for a  
27 second opinion with a physician within one working day, based  
28 upon consideration of the best interests of the child. The  
29 court may not order the discontinuation of prescribed  
30 psychotropic medication if such order is contrary to the  
31 decision of the prescribing physician unless the court first

Bill No. CS for SB 1090

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1 obtains an opinion from a licensed psychiatrist, if available,  
2 or, if not available, a physician licensed under chapter 458  
3 or chapter 459, stating that more likely than not,  
4 discontinuing the medication would not cause significant harm  
5 to the child. If, however, the prescribing psychiatrist  
6 specializes in mental health care for children and  
7 adolescents, the court may not order the discontinuation of  
8 prescribed psychotropic medication unless the required opinion  
9 is also from a psychiatrist who specializes in mental health  
10 care for children and adolescents. The court may also order  
11 the discontinuation of prescribed psychotropic medication if a  
12 child's treating physician, licensed under chapter 458 or  
13 chapter 459, states that continuing the prescribed  
14 psychotropic medication would cause significant harm to the  
15 child due to a diagnosed nonpsychiatric medical condition.

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18 ===== T I T L E   A M E N D M E N T =====

19 And the title is amended as follows:

20       On page 1, lines 24-27, delete those lines

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22 and insert:

23       provided in advance of a court order; requiring  
24       that notice be provided to all parties if the  
25       department proposes to provide psychotropic  
26       medication to the child; requiring that a  
27       hearing be held if any party objects; providing  
28       requirements for the hearing; authorizing the  
29       court to order additional medical consultation;  
30       specifying the required

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