

Bill No. CS for SB 1090

Barcode 914420

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 begin 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, court finds that the department's motion
7 and the physician's medical report meet the requirements of
8 this subsection and that it is in the child's best interests,
9 the court may order that the department provide or continue to
10 provide the psychotropic medication to the child without
11 additional testimony or evidence. At any hearing held under
12 this paragraph, the court shall further inquire of the
13 department as to whether additional medical, mental health,
14 behavioral, counseling, or other services are being provided
15 to the child by the department which the prescribing physician
16 considers to be necessary or beneficial in treating the
17 child's medical condition and which the physician recommends
18 or expects to provide to the child in concert with the
19 medication. The court may order additional medical
20 consultation, including consultation with the MedConsult line
21 at the University of Florida, if available, or require the
22 department to obtain a second opinion within 5 working days
23 after such order, based upon consideration of the best
24 interests of the child. The court may not order the
25 discontinuation of prescribed psychotropic medication if such
26 order is contrary to the decision of the prescribing physician
27 unless the court first obtains an opinion from a licensed
28 psychiatrist, if available, or, if not available, a physician
29 licensed under chapter 458 or chapter 459, stating that more
30 likely than not, discontinuing the medication would not cause
31 significant harm to the child. If, however, the prescribing

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1 physician is a child or adolescent psychiatrist, the court may
 2 not order the discontinuation of prescribed psychotropic
 3 medication unless the required opinion is also from a child or
 4 adolescent psychiatrist, if available, or, if not available,
 5 from a licensed psychiatrist, or from the child's treating
 6 physician who states that continuing the prescribed
 7 psychotropic medication would cause significant harm to the
 8 child due to a diagnosed nonpsychiatric medical condition.

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

12 And the title is amended as follows:

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

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15 and insert:

16 provided in advance of a court order; requiring
 17 that notice be provided to all parties if the
 18 department proposes to provide psychotropic
 19 medication to the child; requiring that a
 20 hearing be held if any party objects; providing
 21 requirements for the hearing; authorizing the
 22 court to order additional medical consultation;
 23 specifying the required

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