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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/3R

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04/24/2009 10:49 AM

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Senator Gaetz moved the following:

Senate Amendment

Delete lines 45 - 160
and insert:

(2) INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. A patient who is being recommended for involuntary outpatient placement by ~~may be retained by a receiving facility upon the recommendation of~~ the administrator of the ~~a~~ receiving facility where the patient has been examined may be retained by the facility ~~and~~ after adherence to the notice ~~of hearing~~ procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second



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13 opinion of a clinical psychologist or another psychiatrist, both
14 of whom have personally examined the patient within the
15 preceding 72 hours, that the criteria for involuntary outpatient
16 placement are met. However, in a county having a population of
17 fewer than 50,000, if the administrator certifies that a ~~ne~~
18 psychiatrist or clinical psychologist is not available to
19 provide the second opinion, the second opinion may be provided
20 by a licensed physician who has postgraduate training and
21 experience in diagnosis and treatment of mental and nervous
22 disorders or by a psychiatric nurse ~~as defined in this chapter~~.
23 Any second opinion authorized in this subparagraph may be
24 conducted through a face-to-face examination, in person or by
25 electronic means. Such ~~a~~ recommendation must be entered on an
26 involuntary outpatient placement certificate that authorizes
27 ~~which certificate must authorize~~ the receiving facility to
28 retain the patient pending completion of a hearing. The
29 certificate shall be made a part of the patient's clinical
30 record.

31 2. If the patient has been stabilized and no longer meets
32 the criteria for involuntary examination pursuant to s.
33 394.463(1), the patient must be released from the receiving
34 facility while awaiting the hearing for involuntary outpatient
35 placement. Before ~~Prior to~~ filing a petition for involuntary
36 outpatient treatment, the administrator of a receiving facility
37 or a designated department representative must ~~shall~~ identify
38 the service provider that will have primary responsibility for
39 service provision under an order for involuntary outpatient
40 placement, unless the person is otherwise participating in
41 outpatient psychiatric treatment and is not in need of public



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42 financing for that treatment, in which case the individual, if
43 eligible, may be ordered to involuntary treatment pursuant to
44 the existing psychiatric treatment relationship.

45 3. The service provider shall prepare a written proposed
46 treatment plan in consultation with the patient or the patient's
47 guardian advocate, if appointed, for the court's consideration
48 for inclusion in the involuntary outpatient placement order. The
49 service provider shall also provide a copy of the proposed
50 treatment plan to the patient and the administrator of the
51 receiving facility. The treatment plan must specify the nature
52 and extent of the patient's mental illness, ~~the treatment plan~~
53 ~~must~~ address the reduction of symptoms that necessitate
54 involuntary outpatient placement, and include measurable goals
55 and objectives for the services and treatment that are provided
56 to treat the person's mental illness and ~~to~~ assist the person in
57 living and functioning in the community or to ~~attempt to~~ prevent
58 a relapse or deterioration. Service providers may select and
59 supervise ~~provide supervision to~~ other individuals to implement
60 specific aspects of the treatment plan. The services in the
61 treatment plan must be deemed ~~to be~~ clinically appropriate by a
62 physician, clinical psychologist, psychiatric nurse, mental
63 health counselor, marriage and family therapist, or clinical
64 social worker, ~~as defined in this chapter,~~ who consults with, or
65 is employed or contracted by, the service provider. The service
66 provider must certify to the court in the proposed treatment
67 plan whether sufficient services for improvement and
68 stabilization are currently available and whether the service
69 provider agrees to provide those services. If the service
70 provider certifies that the services in the proposed treatment



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71 plan are not available, the petitioner may not file the
72 petition.

73 (b) If a patient in involuntary inpatient placement meets
74 the criteria for involuntary outpatient placement, the
75 administrator of the treatment facility may, before the
76 expiration of the period during which the treatment facility is
77 authorized to retain the patient, recommend involuntary
78 outpatient placement. The recommendation must be supported by
79 the opinion of a psychiatrist and the second opinion of a
80 clinical psychologist or another psychiatrist, both of whom have
81 personally examined the patient within the preceding 72 hours,
82 that the criteria for involuntary outpatient placement are met.
83 However, in a county having a population of fewer than 50,000,
84 if the administrator certifies that a ~~ne~~ psychiatrist or
85 clinical psychologist is not available to provide the second
86 opinion, the second opinion may be provided by a licensed
87 physician who has postgraduate training and experience in
88 diagnosis and treatment of mental and nervous disorders or by a
89 psychiatric nurse ~~as defined in s. 394.455(23)~~. Any second
90 opinion authorized in this subparagraph may be conducted through
91 a face-to-face examination, in person or by electronic means.
92 Such ~~a~~ recommendation must be entered on an involuntary
93 outpatient placement certificate, and the certificate must ~~shall~~
94 be made a part of the patient's clinical record.

95 Section 4. Subsection (2) of section 394.467, Florida
96 Statutes, is amended to read:

97 394.467 Involuntary inpatient placement.—

98 (2) ADMISSION TO A TREATMENT FACILITY.—A patient may be
99 retained by a receiving facility or involuntarily placed in a



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100 treatment facility upon the recommendation of the administrator
101 of the ~~a~~ receiving facility where the patient has been examined
102 and after adherence to the notice and hearing procedures
103 provided in s. 394.4599. The recommendation must be supported by
104 the opinion of a psychiatrist and the second opinion of a
105 clinical psychologist or another psychiatrist, both of whom have
106 personally examined the patient within the preceding 72 hours,
107 that the criteria for involuntary inpatient placement are met.
108 However, in a county that has a population of fewer ~~counties of~~
109 ~~less~~ than 50,000 ~~population~~, if the administrator certifies that
110 a ~~no~~ psychiatrist or clinical psychologist is not available to
111 provide the second opinion, the ~~such~~ second opinion may be
112 provided by a licensed physician who has ~~with~~ postgraduate
113 training and experience in diagnosis and treatment of mental and
114 nervous disorders or by a psychiatric nurse ~~as defined in s.~~
115 ~~394.455(23)~~. Any second opinion authorized in this subsection
116 may be conducted through a face-to-face examination, in person
117 or by electronic means. Such recommendation shall be entered on
118 an involuntary inpatient placement certificate that authorizes,
119 ~~which certificate shall authorize~~ the receiving facility to
120 retain the patient pending transfer to a treatment facility or
121 completion of a hearing.