

1 A bill to be entitled
 2 An act relating to mental illness; amending s. 394.462,
 3 F.S.; requiring a law enforcement agency that transports
 4 persons to a receiving facility to have a memorandum of
 5 understanding with the facility; requiring that custody of
 6 a person who is transported to a receiving or treatment
 7 facility be relinquished to a responsible person at the
 8 facility; amending ss. 394.4655 and 394.467, F.S.;
 9 specifying that a psychiatric examination by certain
 10 personnel be conducted face-to-face or by electronic
 11 means; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Present paragraphs (k) and (l) of subsection
 16 (1) of section 394.462, Florida Statutes, are redesignated as
 17 paragraphs (l) and (m), respectively, a new paragraph (k) is
 18 added to that subsection, present subsection (3) of that section
 19 is renumbered as subsection (4), and a new subsection (3) is
 20 added to that section, to read:

21 394.462 Transportation.--

22 (1) TRANSPORTATION TO A RECEIVING FACILITY.--

23 (k) Each law enforcement agency shall develop a memorandum
 24 of understanding with each receiving facility within the law
 25 enforcement agency's jurisdiction. The memorandum must include
 26 protocols for the safe and secure transportation of the person
 27 and transfer of custody of the person, and must address crisis
 28 intervention measures.

29 (3) TRANSFER OF CUSTODY.--Custody of a person who is
 30 transported pursuant to this part, along with related
 31 documentation, shall be relinquished to a responsible individual
 32 at the appropriate receiving or treatment facility.

33 Section 2. Paragraphs (a) and (b) of subsection (2) of
 34 section 394.4655, Florida Statutes, are amended to read:

35 394.4655 Involuntary outpatient placement.--

36 (2) INVOLUNTARY OUTPATIENT PLACEMENT.--

37 (a)1. A patient who is being recommended for involuntary
 38 outpatient placement by ~~may be retained by a receiving facility~~
 39 ~~upon the recommendation of the administrator of the a receiving~~
 40 ~~facility where the patient has been examined~~ may be retained by
 41 the facility ~~and~~ after adherence to the notice ~~of hearing~~
 42 procedures provided in s. 394.4599. The recommendation must be
 43 supported by the opinion of a psychiatrist and the second
 44 opinion of a clinical psychologist or another psychiatrist, both
 45 of whom have personally examined the patient face-to-face or by
 46 electronic means within the preceding 72 hours, that the
 47 criteria for involuntary outpatient placement are met. However,
 48 in a county having a population of fewer than 50,000, if the
 49 administrator certifies that a ~~ne~~ psychiatrist or clinical
 50 psychologist is not available to provide the second opinion, the
 51 second opinion may be provided through a face-to-face
 52 examination or electronic means conducted by a licensed
 53 physician who has postgraduate training and experience in
 54 diagnosis and treatment of mental and nervous disorders or by a
 55 psychiatric nurse ~~as defined in this chapter~~. Such a
 56 recommendation must be entered on an involuntary outpatient

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57 placement certificate that authorizes, ~~which certificate must~~
58 ~~authorize~~ the receiving facility to retain the patient pending
59 completion of a hearing. The certificate shall be made a part of
60 the patient's clinical record.

61 2. If the patient has been stabilized and no longer meets
62 the criteria for involuntary examination pursuant to s.
63 394.463(1), the patient must be released from the receiving
64 facility while awaiting the hearing for involuntary outpatient
65 placement. Before ~~Prior to~~ filing a petition for involuntary
66 outpatient treatment, the administrator of a receiving facility
67 or a designated department representative must ~~shall~~ identify
68 the service provider that will have primary responsibility for
69 service provision under an order for involuntary outpatient
70 placement, unless the person is otherwise participating in
71 outpatient psychiatric treatment and is not in need of public
72 financing for that treatment, in which case the individual, if
73 eligible, may be ordered to involuntary treatment pursuant to
74 the existing psychiatric treatment relationship.

75 3. The service provider shall prepare a written proposed
76 treatment plan in consultation with the patient or the patient's
77 guardian advocate, if appointed, for the court's consideration
78 for inclusion in the involuntary outpatient placement order. The
79 service provider shall also provide a copy of the proposed
80 treatment plan to the patient and the administrator of the
81 receiving facility. The treatment plan must specify the nature
82 and extent of the patient's mental illness, and ~~The treatment plan~~
83 ~~must~~ address the reduction of symptoms that necessitate
84 involuntary outpatient placement, and include measurable goals

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85 and objectives for the services and treatment that are provided
86 to treat the person's mental illness and ~~to~~ assist the person in
87 living and functioning in the community or to ~~attempt to~~ prevent
88 a relapse or deterioration. Service providers may select and
89 supervise ~~provide supervision to~~ other individuals to implement
90 specific aspects of the treatment plan. The services in the
91 treatment plan must be deemed ~~to be~~ clinically appropriate by a
92 physician, clinical psychologist, psychiatric nurse, mental
93 health counselor, marriage and family therapist, or clinical
94 social worker, ~~as defined in this chapter,~~ who consults with, or
95 is employed or contracted by, the service provider. The service
96 provider must certify to the court in the proposed treatment
97 plan whether sufficient services for improvement and
98 stabilization are currently available and whether the service
99 provider agrees to provide those services. If the service
100 provider certifies that the services in the proposed treatment
101 plan are not available, the petitioner may not file the
102 petition.

103 (b) If a patient in involuntary inpatient placement meets
104 the criteria for involuntary outpatient placement, the
105 administrator of the treatment facility may, before the
106 expiration of the period during which the treatment facility is
107 authorized to retain the patient, recommend involuntary
108 outpatient placement. The recommendation must be supported by
109 the opinion of a psychiatrist and the second opinion of a
110 clinical psychologist or another psychiatrist, both of whom have
111 personally examined the patient face-to-face or by electronic
112 means within the preceding 72 hours, that the criteria for

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113 involuntary outpatient placement are met. However, in a county
 114 having a population of fewer than 50,000, if the administrator
 115 certifies that a ~~ne~~ psychiatrist or clinical psychologist is not
 116 available to provide the second opinion, the second opinion may
 117 be provided through a face-to-face examination or electronic
 118 means conducted by a licensed physician who has postgraduate
 119 training and experience in diagnosis and treatment of mental and
 120 nervous disorders or by a psychiatric nurse ~~as defined in s.~~
 121 ~~394.455(23)~~. Such ~~a~~ recommendation must be entered on an
 122 involuntary outpatient placement certificate, and the
 123 certificate must ~~shall~~ be made a part of the patient's clinical
 124 record.

125 Section 3. Subsection (2) of section 394.467, Florida
 126 Statutes, is amended to read:

127 394.467 Involuntary inpatient placement.--

128 (2) ADMISSION TO A TREATMENT FACILITY.--A patient may be
 129 retained by a receiving facility or involuntarily placed in a
 130 treatment facility upon the recommendation of the administrator
 131 of the ~~a~~ receiving facility where the patient has been examined
 132 and after adherence to the notice and hearing procedures
 133 provided in s. 394.4599. The recommendation must be supported by
 134 the opinion of a psychiatrist and the second opinion of a
 135 clinical psychologist or another psychiatrist, both of whom have
 136 personally examined the patient face-to-face or by electronic
 137 means within the preceding 72 hours, that the criteria for
 138 involuntary inpatient placement are met. However, in a county
 139 that has a population of fewer ~~counties of less~~ than 50,000
 140 ~~population~~, if the administrator certifies that a ~~ne~~

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141 psychiatrist or clinical psychologist is not available to
142 provide the second opinion, the ~~such~~ second opinion may be
143 provided through a face-to-face examination or electronic means
144 conducted by a licensed physician who has ~~with~~ postgraduate
145 training and experience in diagnosis and treatment of mental and
146 nervous disorders or by a psychiatric nurse ~~as defined in s.~~
147 ~~394.455(23)~~. Such recommendation shall be entered on an
148 involuntary inpatient placement certificate that authorizes,
149 ~~which certificate shall authorize~~ the receiving facility to
150 retain the patient pending transfer to a treatment facility or
151 completion of a hearing.

152 Section 4. This act shall take effect July 1, 2009.