

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:

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 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 that reflects a single set of  
 26           protocols for the safe and secure transportation of the person  
 27           and transfer of custody of the person. These protocols must also  
 28           address crisis 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 ~~no~~ 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

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.