

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, in person; providing
 11 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 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, in
 46 person, within the preceding 72 hours, that the criteria for
 47 involuntary outpatient placement are met. However, in a county
 48 having a population of fewer than 50,000, if the administrator
 49 certifies that a ~~no~~ psychiatrist or clinical psychologist is not
 50 available to provide the second opinion, the second opinion may
 51 be provided through a face-to-face examination, in person,
 52 conducted by a licensed physician who has postgraduate training
 53 and experience in diagnosis and treatment of mental and nervous
 54 disorders or by a psychiatric nurse ~~as defined in this chapter.~~
 55 Such ~~a~~ recommendation must be entered on an involuntary
 56 outpatient placement certificate that authorizes, ~~which~~

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

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

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

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

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

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

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

126 394.467 Involuntary inpatient placement.--

127 (2) ADMISSION TO A TREATMENT FACILITY.--A patient may be
 128 retained by a receiving facility or involuntarily placed in a
 129 treatment facility upon the recommendation of the administrator
 130 of the ~~a~~ receiving facility where the patient has been examined
 131 and after adherence to the notice and hearing procedures
 132 provided in s. 394.4599. The recommendation must be supported by
 133 the opinion of a psychiatrist and the second opinion of a
 134 clinical psychologist or another psychiatrist, both of whom have
 135 personally examined the patient face to face, in person, within
 136 the preceding 72 hours, that the criteria for involuntary
 137 inpatient placement are met. However, in a county that has a
 138 population of fewer ~~counties of less~~ than 50,000 ~~population,~~ if
 139 the administrator certifies that a ~~ne~~ psychiatrist or clinical
 140 psychologist is not available to provide the second opinion, the

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141 ~~such~~ second opinion may be provided through a face-to-face
142 examination, in person, conducted by a licensed physician who
143 has ~~with~~ postgraduate training and experience in diagnosis and
144 treatment of mental and nervous disorders or by a psychiatric
145 nurse ~~as defined in s. 394.455(23)~~. Such recommendation shall be
146 entered on an involuntary inpatient placement certificate that
147 authorizes, ~~which certificate shall authorize~~ the receiving
148 facility to retain the patient pending transfer to a treatment
149 facility or completion of a hearing.

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