

CS/HB 1195

2012

1 A bill to be entitled
2 An act relating to involuntary examinations under the
3 Baker Act; amending s. 394.463, F.S.; authorizing
4 physician assistants and advanced registered nurse
5 practitioners to initiate involuntary examinations
6 under the Baker Act of persons believed to have mental
7 illness; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (2) of section
12 394.463, Florida Statutes, is amended to read:

13 394.463 Involuntary examination.—

14 (2) INVOLUNTARY EXAMINATION.—

15 (a) An involuntary examination may be initiated by any one
16 of the following means:

17 1. A court may enter an ex parte order stating that a
18 person appears to meet the criteria for involuntary examination,
19 giving the findings on which that conclusion is based. The ex
20 parte order for involuntary examination must be based on sworn
21 testimony, written or oral. If other less restrictive means are
22 not available, such as voluntary appearance for outpatient
23 evaluation, a law enforcement officer, or other designated agent
24 of the court, shall take the person into custody and deliver him
25 or her to the nearest receiving facility for involuntary
26 examination. The order of the court shall be made a part of the
27 patient's clinical record. No fee shall be charged for the
28 filing of an order under this subsection. Any receiving facility

29 | accepting the patient based on this order must send a copy of
30 | the order to the Agency for Health Care Administration on the
31 | next working day. The order shall be valid only until executed
32 | or, if not executed, for the period specified in the order
33 | itself. If no time limit is specified in the order, the order
34 | shall be valid for 7 days after the date that the order was
35 | signed.

36 | 2. A law enforcement officer shall take a person who
37 | appears to meet the criteria for involuntary examination into
38 | custody and deliver the person or have him or her delivered to
39 | the nearest receiving facility for examination. The officer
40 | shall execute a written report detailing the circumstances under
41 | which the person was taken into custody, and the report shall be
42 | made a part of the patient's clinical record. Any receiving
43 | facility accepting the patient based on this report must send a
44 | copy of the report to the Agency for Health Care Administration
45 | on the next working day.

46 | 3. A physician, physician assistant, clinical
47 | psychologist, psychiatric nurse, mental health counselor,
48 | marriage and family therapist, ~~or~~ clinical social worker, or
49 | advanced registered nurse practitioner may execute a certificate
50 | stating that he or she has examined a person within the
51 | preceding 48 hours and finds that the person appears to meet the
52 | criteria for involuntary examination and stating the
53 | observations upon which that conclusion is based. If other less
54 | restrictive means are not available, such as voluntary
55 | appearance for outpatient evaluation, a law enforcement officer
56 | shall take the person named in the certificate into custody and

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57 deliver him or her to the nearest receiving facility for
58 involuntary examination. The law enforcement officer shall
59 execute a written report detailing the circumstances under which
60 the person was taken into custody. The report and certificate
61 shall be made a part of the patient's clinical record. Any
62 receiving facility accepting the patient based on this
63 certificate must send a copy of the certificate to the Agency
64 for Health Care Administration on the next working day.

65 Section 2. This act shall take effect July 1, 2012.