

By Senator Garcia

38-00268-15

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1 A bill to be entitled
2 An act relating to substance abuse treatment,
3 assessment, and stabilization; amending s. 397.601,
4 F.S.; providing that, in considering whether to
5 voluntarily admit a person, the determination as to
6 whether the medical and behavioral conditions of the
7 person are within the safe management capabilities of
8 the service provider shall be made exclusively by the
9 service provider; amending s. 397.6751, F.S.;
10 providing that, with regard to involuntary admissions,
11 specified determinations shall be made at the
12 exclusive discretion of the service provider; amending
13 s. 397.6819, F.S.; clarifying that a specified
14 assessment is required only if the individual is
15 admitted; amending s. 397.6822, F.S.; specifying that
16 after involuntary assessment, the decision as to the
17 disposition of the individual shall be made at the
18 discretion of the qualified professional; amending s.
19 397.697, F.S.; conforming a provision to changes made
20 in the act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (2) of section 397.601, Florida
25 Statutes, is amended to read:

26 397.601 Voluntary admissions.—

27 (2) Within the financial and space capabilities of the
28 service provider, a person must be admitted to treatment when
29 sufficient evidence exists that the person is impaired by

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30 substance abuse and the medical and behavioral conditions of the
31 person are not beyond the safe management capabilities of the
32 service provider, as determined exclusively by the service
33 provider.

34 Section 2. Subsection (1) and paragraph (a) of subsection
35 (2) of section 397.6751, Florida Statutes, are amended to read:

36 397.6751 Service provider responsibilities regarding
37 involuntary admissions.—

38 (1) It is the responsibility of the service provider to, at
39 its exclusive discretion:

40 (a) Ensure that a person who is admitted to a licensed
41 service component meets the admission criteria specified in s.
42 397.675. ~~†~~

43 (b) Ascertain whether the medical and behavioral conditions
44 of the person, as presented, are beyond the safe management
45 capabilities of the service provider. ~~†~~

46 (c) Provide for the admission of the person to the service
47 component that represents the least restrictive available
48 setting that is responsive to the person's treatment needs. ~~†~~

49 (d) Verify that the admission of the person to the service
50 component does not result in a census in excess of its licensed
51 service capacity. ~~†~~

52 (e) Determine whether the cost of services is within the
53 financial means of the person or those who are financially
54 responsible for the person's care. ~~† and~~

55 (f) Take all necessary measures to ensure that each
56 individual in treatment is provided with a safe environment, and
57 to ensure that each individual whose medical condition or
58 behavioral problem becomes such that he or she cannot be safely

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59 managed by the service component is discharged and referred to a
60 more appropriate setting for care.

61 (2) (a) If ~~When, in the judgment of~~ the service provider
62 determines that, the person who is being presented for
63 involuntary admission should not be admitted because he or she
64 does not ~~of his or her failure to~~ meet admission criteria;;
65 because his or her medical or behavioral conditions are beyond
66 the safe management capabilities of the service provider;; or
67 because of a lack of available space, services, or financial
68 resources to pay for his or her care, the service provider, in
69 accordance with federal confidentiality regulations, must
70 attempt to contact the referral source, which may be a law
71 enforcement officer, physician, parent, legal guardian if
72 applicable, court and petitioner, or other referring party, to
73 discuss the circumstances and assist in arranging ~~for~~
74 alternative interventions.

75 Section 3. Section 397.6819, Florida Statutes, is amended
76 to read:

77 397.6819 Involuntary assessment and stabilization;
78 responsibility of licensed service provider.—A licensed service
79 provider may admit an individual for involuntary assessment and
80 stabilization for a period of up to ~~not to exceed~~ 5 days. If
81 admitted, the individual must be assessed without unnecessary
82 delay by a qualified professional. If an assessment is performed
83 by a qualified professional who is not a physician, the
84 assessment must be reviewed by a physician before the end of the
85 assessment period.

86 Section 4. Section 397.6822, Florida Statutes, is amended
87 to read:

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88 397.6822 Disposition of individual after involuntary
89 assessment.—Based upon the involuntary assessment, a qualified
90 professional of the hospital, detoxification facility, or
91 addictions receiving facility, or a qualified professional when
92 a less restrictive component has been used, must, at his or her
93 discretion, do one of the following:

94 (1) Release the individual and, if where appropriate, refer
95 the individual to another treatment facility or service
96 provider, or to community services.†

97 (2) Allow the individual, with consent, to remain
98 voluntarily at the licensed provider.†~~or~~

99 (3) Retain the individual when a petition for involuntary
100 treatment has been initiated, ~~the timely filing of which by~~
101 virtue of timely filing authorizes the service provider to
102 retain physical custody of the individual pending further order
103 of the court.

104
105 ~~Adhering to federal confidentiality regulations,~~ Notice of
106 disposition shall ~~must~~ be provided to the petitioner and to the
107 court in compliance with federal confidentiality regulations.

108 Section 5. Subsection (1) of section 397.697, Florida
109 Statutes, is amended to read:

110 397.697 Court determination; effect of court order for
111 involuntary substance abuse treatment.—

112 (1) When the court finds that the conditions for
113 involuntary substance abuse treatment have been proved by clear
114 and convincing evidence, it may order the respondent to undergo
115 involuntary treatment by a licensed service provider for a
116 period not to exceed 60 days. If the court finds it necessary,

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117 it may direct the sheriff to take the respondent into custody
118 and deliver him or her to the licensed service provider
119 specified in the court order, or to the nearest appropriate
120 licensed service provider, for involuntary treatment. The
121 determination as to whether to admit the respondent shall be
122 made in compliance with s. 397.6751. When the conditions
123 justifying involuntary treatment no longer exist, the individual
124 must be released as provided in s. 397.6971. When the conditions
125 justifying involuntary treatment are expected to exist after 60
126 days of treatment, a renewal of the involuntary treatment order
127 may be requested pursuant to s. 397.6975 before ~~prior to~~ the end
128 of the 60-day period.

129 Section 6. This act shall take effect July 1, 2015.