

By the Committee on Health Policy; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to mental health; amending s. 394.455,
3 F.S.; redefining the term "psychiatric nurse";
4 amending s. 394.463, F.S.; adding a psychiatric nurse
5 as a person at a receiving facility authorized to
6 perform a required examination of certain patients;
7 prohibiting the release of a patient from a receiving
8 facility that is owned or operated by a hospital or
9 health system without specified approvals; authorizing
10 the release of a patient by a psychiatric nurse under
11 certain circumstances; prohibiting a psychiatric nurse
12 from releasing a patient if the involuntary
13 examination was initiated by a psychiatrist without
14 the psychiatrist's approval; providing an effective
15 date.

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

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19 Section 1. Subsection (23) of section 394.455, Florida
20 Statutes, is amended to read:

21 394.455 Definitions.—As used in this part, unless the
22 context clearly requires otherwise, the term:

23 (23) "Psychiatric nurse" means an advanced ~~a~~ registered
24 nurse practitioner certified under s. 464.012 who has a master's
25 or doctoral degree in psychiatric nursing, holds a national
26 advanced practice certification as a psychiatric-mental health
27 advanced practice nurse, licensed under part I of chapter 464
28 ~~who has a master's degree or a doctorate in psychiatric nursing~~
29 and has 2 years of post-master's clinical experience under the

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30 supervision of a physician.

31 Section 2. Paragraph (f) of subsection (2) of section
32 394.463, Florida Statutes, is amended to read:

33 394.463 Involuntary examination.—

34 (2) INVOLUNTARY EXAMINATION.—

35 (f) A patient shall be examined by a physician, a ~~or~~
36 clinical psychologist, or a psychiatric nurse performing within
37 the framework of an established protocol with a psychiatrist at
38 a receiving facility without unnecessary delay and may, upon the
39 order of a physician, be given emergency treatment if it is
40 determined that such treatment is necessary for the safety of
41 the patient or others. The patient may not be released by the
42 receiving facility or its contractor without the documented
43 approval of a psychiatrist, a clinical psychologist, or, if the
44 receiving facility is owned or operated by a hospital or health
45 system, the release may also be approved by a psychiatric nurse
46 performing within the framework of an established protocol with
47 a psychiatrist or an attending emergency department physician
48 with experience in the diagnosis and treatment of mental and
49 nervous disorders and after completion of an involuntary
50 examination pursuant to this subsection. A psychiatric nurse may
51 not approve the release of a patient when the involuntary
52 examination has been initiated by a psychiatrist unless the
53 release is approved by the initiating psychiatrist. However, a
54 patient may not be held in a receiving facility for involuntary
55 examination longer than 72 hours.

56 Section 3. This act shall take effect July 1, 2015.