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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/2R

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03/09/2016 06:42 PM

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Senator Grimsley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 394.453, Florida Statutes, is amended to
read:

394.453 Legislative intent.—It is the intent of the
Legislature to authorize and direct the Department of Children
and Families to evaluate, research, plan, and recommend to the
Governor and the Legislature programs designed to reduce the
occurrence, severity, duration, and disabling aspects of mental,



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12 emotional, and behavioral disorders. It is the intent of the
13 Legislature that treatment programs for such disorders shall
14 include, but not be limited to, comprehensive health, social,
15 educational, and rehabilitative services to persons requiring
16 intensive short-term and continued treatment in order to
17 encourage them to assume responsibility for their treatment and
18 recovery. It is intended that such persons be provided with
19 emergency service and temporary detention for evaluation when
20 required; that they be admitted to treatment facilities on a
21 voluntary basis when extended or continuing care is needed and
22 unavailable in the community; that involuntary placement be
23 provided only when expert evaluation determines that it is
24 necessary; that any involuntary treatment or examination be
25 accomplished in a setting which is clinically appropriate and
26 most likely to facilitate the person's return to the community
27 as soon as possible; and that individual dignity and human
28 rights be guaranteed to all persons who are admitted to mental
29 health facilities or who are being held under s. 394.463. It is
30 the further intent of the Legislature that the least restrictive
31 means of intervention be employed based on the individual needs
32 of each person, within the scope of available services. It is
33 the policy of this state that the use of restraint and seclusion
34 on clients is justified only as an emergency safety measure to
35 be used in response to imminent danger to the client or others.
36 It is, therefore, the intent of the Legislature to achieve an
37 ongoing reduction in the use of restraint and seclusion in
38 programs and facilities serving persons with mental illness. The
39 Legislature further finds the need for additional psychiatrists
40 to be of critical state concern and recommends the establishment



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41 of an additional psychiatry program to be offered by one of
42 Florida's schools of medicine currently not offering psychiatry.
43 The program shall seek to integrate primary care and psychiatry
44 and other evolving models of care for persons with mental health
45 and substance use disorders. Additionally, the Legislature finds
46 that the use of telemedicine for patient evaluation, case
47 management, and ongoing care will improve management of patient
48 care and reduce costs of transportation.

49 Section 2. Subsection (2) of section 394.467, Florida
50 Statutes, is amended to read:

51 394.467 Involuntary inpatient placement.—

52 (2) ADMISSION TO A TREATMENT FACILITY.—A patient may be
53 retained by a receiving facility or involuntarily placed in a
54 treatment facility upon the recommendation of the administrator
55 of the receiving facility where the patient has been examined
56 and after adherence to the notice and hearing procedures
57 provided in s. 394.4599. The recommendation must be supported by
58 the opinion of a psychiatrist and the second opinion of a
59 clinical psychologist or another psychiatrist, both of whom have
60 personally examined the patient within the preceding 72 hours,
61 that the criteria for involuntary inpatient placement are met.
62 However, in a county that has a population of fewer than 50,000,
63 if the administrator certifies that a psychiatrist or clinical
64 psychologist is not available to provide the second opinion, the
65 second opinion may be provided by a licensed physician who has
66 postgraduate training and experience in diagnosis and treatment
67 of mental and nervous disorders or by a psychiatric nurse. Any
68 ~~second~~ opinion authorized in this subsection may be conducted
69 through a face-to-face examination, in person or by electronic



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70 means. Such recommendation shall be entered on an involuntary
71 inpatient placement certificate that authorizes the receiving
72 facility to retain the patient pending transfer to a treatment
73 facility or completion of a hearing.

74 Section 3. Paragraphs (e) and (f) of subsection (1) and
75 paragraph (b) of subsection (4) of section 397.451, Florida
76 Statutes, are amended to read:

77 397.451 Background checks of service provider personnel.—

78 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
79 EXCEPTIONS.—

80 (e) Personnel employed directly or under contract with the
81 Department of Corrections in an inmate substance abuse program
82 ~~who have direct contact with unmarried inmates under the age of~~
83 ~~18 or with inmates who are developmentally disabled~~ are exempt
84 from the fingerprinting and background check requirements of
85 this section unless they have direct contact with unmarried
86 inmates under the age of 18 or with inmates who are
87 developmentally disabled.

88 (f) Service provider personnel who request an exemption
89 from disqualification must submit the request within 30 days
90 after being notified of the disqualification. If 5 years or more
91 have elapsed since the most recent disqualifying offense,
92 service provider personnel may work with adults with substance
93 use disorders under the supervision of a qualified professional
94 licensed under chapter 490 or chapter 491 or a master's level
95 certified addiction professional until the agency makes a final
96 determination regarding the request for an exemption from
97 disqualification ~~Upon notification of the disqualification, the~~
98 ~~service provider shall comply with requirements regarding~~



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99 ~~exclusion from employment in s. 435.06.~~

100 (4) EXEMPTIONS FROM DISQUALIFICATION.—

101 (b) Since rehabilitated substance abuse impaired persons
102 are effective in the successful treatment and rehabilitation of
103 individuals with substance use disorders ~~substance abuse~~
104 ~~impaired adolescents~~, for service providers which treat
105 adolescents 13 years of age and older, service provider
106 personnel whose background checks indicate crimes under s.
107 817.563, s. 893.13, or s. 893.147 may be exempted from
108 disqualification from employment pursuant to this paragraph.

109 Section 4. This act shall take effect upon becoming a law.

110

111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete everything before the enacting clause
114 and insert:

115 A bill to be entitled
116 An act relating to behavioral health workforce;
117 amending s. 394.453, F.S.; revising legislative
118 intent; amending s. 394.467, F.S.; revising procedures
119 for recommending admission of a patient to a treatment
120 facility; amending s. 397.451, F.S.; revising
121 provisions relating to personnel background checks and
122 exemptions from disqualification for certain service
123 provider personnel; providing an effective date.