

1 A bill to be entitled
 2 An act relating to admission of children and
 3 adolescents to mental health facilities; amending s.
 4 394.463, F.S.; requiring a facility to initiate an
 5 involuntary examination of a patient 10 years of age
 6 or younger within 12 hours, and complete the
 7 examination within 24 hours, after the patient's
 8 arrival; amending s. 394.4599, F.S.; conforming a
 9 reference; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:
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13 Section 1. Paragraphs (f), (g), and (h) of subsection (2)
 14 of section 394.463, Florida Statutes, are amended to read:

15 394.463 Involuntary examination.—

16 (2) INVOLUNTARY EXAMINATION.—

17 (f) A patient shall be examined by a physician or a
 18 clinical psychologist, or by a psychiatric nurse performing
 19 within the framework of an established protocol with a
 20 psychiatrist at a facility without unnecessary delay to
 21 determine if the criteria for involuntary services are met.
 22 However, if the patient is 10 years of age or younger, the
 23 examination must be initiated within 12 hours after the
 24 patient's arrival at the facility and completed within 24 hours
 25 after the patient's arrival. Emergency treatment may be provided

26 upon the order of a physician if the physician determines that
27 such treatment is necessary for the safety of the patient or
28 others. The patient may not be released by the receiving
29 facility or its contractor without the documented approval of a
30 psychiatrist or a clinical psychologist or, if the receiving
31 facility is owned or operated by a hospital or health system,
32 the release may also be approved by a psychiatric nurse
33 performing within the framework of an established protocol with
34 a psychiatrist, or an attending emergency department physician
35 with experience in the diagnosis and treatment of mental illness
36 after completion of an involuntary examination pursuant to this
37 subsection. A psychiatric nurse may not approve the release of a
38 patient if the involuntary examination was initiated by a
39 psychiatrist unless the release is approved by the initiating
40 psychiatrist.

41 (g) Within the 72-hour examination period or within the
42 24-hour examination period if the patient is 10 years of age or
43 younger, or, if the examination period ~~72 hours~~ ends on a
44 weekend or holiday, no later than the next working day
45 thereafter, one of the following actions must be taken, based on
46 the individual needs of the patient:

47 1. The patient shall be released, unless he or she is
48 charged with a crime, in which case the patient shall be
49 returned to the custody of a law enforcement officer;

50 2. The patient shall be released, subject to the

51 ~~provisions of~~ subparagraph 1., for voluntary outpatient
52 treatment;

53 3. The patient, unless he or she is charged with a crime,
54 shall be asked to give express and informed consent to placement
55 as a voluntary patient and, if such consent is given, the
56 patient shall be admitted as a voluntary patient; or

57 4. A petition for involuntary services shall be filed in
58 the circuit court if inpatient treatment is deemed necessary or
59 with the criminal county court, as defined in s. 394.4655(1), as
60 applicable. When inpatient treatment is deemed necessary, the
61 least restrictive treatment consistent with the optimum
62 improvement of the patient's condition shall be made available.
63 When a petition is to be filed for involuntary outpatient
64 placement, it shall be filed by one of the petitioners specified
65 in s. 394.4655(4)(a). A petition for involuntary inpatient
66 placement shall be filed by the facility administrator.

67 (h) A person for whom an involuntary examination has been
68 initiated who is being evaluated or treated at a hospital for an
69 emergency medical condition specified in s. 395.002 must be
70 examined by a facility within 72 hours or within 24 hours if the
71 patient is 10 years of age or younger. The examination ~~72-hour~~
72 period begins when the patient arrives at the hospital and
73 ceases when the attending physician documents that the patient
74 has an emergency medical condition. If the patient is examined
75 at a hospital providing emergency medical services by a

76 professional qualified to perform an involuntary examination and
77 is found as a result of that examination not to meet the
78 criteria for involuntary outpatient services pursuant to s.
79 394.4655(2) or involuntary inpatient placement pursuant to s.
80 394.467(1), the patient may be offered voluntary services or
81 placement, if appropriate, or released directly from the
82 hospital providing emergency medical services. The finding by
83 the professional that the patient has been examined and does not
84 meet the criteria for involuntary inpatient services or
85 involuntary outpatient placement must be entered into the
86 patient's clinical record. This paragraph is not intended to
87 prevent a hospital providing emergency medical services from
88 appropriately transferring a patient to another hospital before
89 stabilization if the requirements of s. 395.1041(3)(c) have been
90 met.

91 Section 2. Paragraph (c) of subsection (2) of section
92 394.4599, Florida Statutes, is amended to read:

93 394.4599 Notice.—

94 (2) INVOLUNTARY ADMISSION.—

95 (c)1. A receiving facility shall give notice of the
96 whereabouts of a minor who is being involuntarily held for
97 examination pursuant to s. 394.463 to the minor's parent,
98 guardian, caregiver, or guardian advocate, in person or by
99 telephone or other form of electronic communication, immediately
100 after the minor's arrival at the facility. The facility may

101 delay notification for no more than 24 hours after the minor's
102 arrival if the facility has submitted a report to the central
103 abuse hotline, pursuant to s. 39.201, based upon knowledge or
104 suspicion of abuse, abandonment, or neglect and if the facility
105 deems a delay in notification to be in the minor's best
106 interest.

107 2. The receiving facility shall attempt to notify the
108 minor's parent, guardian, caregiver, or guardian advocate until
109 the receiving facility receives confirmation from the parent,
110 guardian, caregiver, or guardian advocate, verbally, by
111 telephone or other form of electronic communication, or by
112 recorded message, that notification has been received. Attempts
113 to notify the parent, guardian, caregiver, or guardian advocate
114 must be repeated at least once every hour during the first 12
115 hours after the minor's arrival and once every 24 hours
116 thereafter and must continue until such confirmation is
117 received, unless the minor is released at the end of the 72-hour
118 examination period, or at the end of the 24-hour examination
119 period if the patient is 10 years of age or younger, or until a
120 petition for involuntary services is filed with the court
121 pursuant to s. 394.463(2)(g). The receiving facility may seek
122 assistance from a law enforcement agency to notify the minor's
123 parent, guardian, caregiver, or guardian advocate if the
124 facility has not received within the first 24 hours after the
125 minor's arrival a confirmation by the parent, guardian,

126 | caregiver, or guardian advocate that notification has been
127 | received. The receiving facility must document notification
128 | attempts in the minor's clinical record.

129 | Section 3. This act shall take effect July 1, 2017.