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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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The Committee on Criminal Justice (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 85

and insert:

Section 2. Subsection (6) of section 395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(6) RIGHTS OF PERSONS BEING TREATED.—

(a) A hospital providing emergency services and care to a person who is being involuntarily examined under the provisions



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11 of s. 394.463 shall adhere to the rights of patients specified
12 in part I of chapter 394 and the involuntary examination
13 procedures provided in s. 394.463, regardless of whether the
14 hospital, or any part thereof, is designated as a receiving or
15 treatment facility under part I of chapter 394 and regardless of
16 whether the person is admitted to the hospital.

17 (b) Each hospital with an emergency department shall
18 develop a best practices policy to promote the prevention of
19 unintentional drug overdoses. The policy may include, but is not
20 limited to:

21 1. A process to obtain the patient's consent to notify the
22 patient's next of kin, and each physician or health care
23 practitioner who prescribed a controlled substance to the
24 patient, regarding the patient's overdose, her or his location,
25 and the nature of the substance or controlled substance involved
26 in the overdose.

27 2. A process for providing the patient or the patient's
28 next of kin with information about licensed substance abuse
29 treatment services, voluntary admission procedures under part IV
30 of chapter 397, involuntary admission procedures under part V of
31 chapter 397, and involuntary commitment procedures under chapter
32 394.

33 3. Guidelines for emergency department health care
34 practitioners authorized to prescribe controlled substances to
35 reduce the risk of opioid use, misuse, and addiction.

36 4. The use of licensed or certified behavioral health
37 professionals or peer specialists in the emergency department to
38 encourage the patient to seek substance abuse treatment.

39 5. The use of Screening, Brief Intervention, and Referral



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40 to Treatment protocols in the emergency department.

41 Section 3. Section 401.253, Florida Statutes, is created to
42 read:

43 401.253 Reporting of controlled substance overdoses.-

44 (1) (a) A basic life support service or advanced life
45 support service that treats and releases, or transports to a
46 medical facility, a person in response to an emergency call for
47 a suspected or actual overdose of a controlled substance may
48 report such incidents to the department. Such reports must be
49 made using the Emergency Medical Services Tracking and Reporting
50 System, or other appropriate method with secure access,
51 including, but not limited to, the Washington/Baltimore High
52 Intensity Drug Trafficking Area's Overdose Detection Mapping
53 Application Program or other program identified by the
54 department in rule. If a basic life support service or advanced
55 life support service reports such incidents, it shall use best
56 efforts to make the report to the department within 120 hours.

57 (b) The data collected by the department shall be made
58 available within 120 hours to law enforcement, public health,
59 fire rescue, and emergency medical service agencies in each
60 county.

61 (c) For purposes of this section, the term "overdose"
62 means:

63 1. A condition, including, but not limited to, extreme
64 physical illness, decreased level of consciousness, respiratory
65 depression, coma, or death resulting from the consumption or use
66 of any controlled substance which requires medical attention,
67 assistance, or treatment; or

68 2. Clinical suspicion of drug



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

And the title is amended as follows:

Delete line 3

and insert:

legislative findings and intent; amending s. 395.1041,
F.S.; requiring a hospital with an emergency
department to develop a best practices policy to
promote the prevention of unintentional drug
overdoses; authorizing the policy to include certain
processes, guidelines, uses of professionals or
specialists, and protocols; creating s. 401.253