

By Senator Powell

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1 A bill to be entitled
2 An act relating to the Baker Act; requiring the
3 Department of Children and Families to create a
4 workgroup to provide recommendations relating to
5 revision of the Baker Act; requiring the workgroup to
6 make recommendations on specified topics; providing
7 for membership of the workgroup; providing for
8 meetings; requiring the workgroup to meet by a
9 specified date; requiring the workgroup to review a
10 draft of its recommendations by a specified date;
11 requiring the workgroup to submit a final report to
12 specified entities and the Legislature by a specified
13 date; amending s. 394.4625, F.S.; requiring the
14 administrator of a receiving facility to file a
15 petition for voluntary placement within a specified
16 timeframe after a person under age 18 is admitted for
17 services or transferred to voluntary status; requiring
18 the court to hold a hearing within a specified
19 timeframe to verify consent under certain
20 circumstances; amending s. 394.499, F.S.; requiring
21 the administrator of a children's crisis stabilization
22 unit or a juvenile addictions receiving facility to
23 file a petition for voluntary placement within a
24 specified timeframe after a person under age 18 is
25 admitted for services; requiring the court to hold a
26 hearing within a specified timeframe to verify consent
27 under certain circumstances; providing an effective
28 date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Workgroup to improve operational effectiveness
33 of the Baker Act.—The Department of Children and Families shall
34 create a workgroup to evaluate methods to improve the
35 operational effectiveness of the Baker Act and recommend changes
36 to existing laws, rules, and agency policies needed to implement
37 the workgroup's recommendations.

38 (1) At a minimum, the workgroup shall evaluate and make
39 recommendations on the following:

40 (a) The timeframe for initial assessment of a patient,
41 including whether the timeframe should be lengthened.

42 (b) The use of advanced registered nurse practitioners to
43 rescind Baker Act commitments.

44 (c) The use of telemedicine for patient evaluation, case
45 management, and ongoing care, including recommendations by the
46 courts on the use of telemedicine to improve management of
47 patient care and to reduce costs of transportation and public
48 safety.

49 (d) The 7-day requirement for followup care and its
50 applicability to outpatient providers.

51 (e) Other areas deemed by the workgroup where changes would
52 improve the operational effectiveness of the Baker Act.

53 (2) The workgroup shall consist of the following
54 stakeholders:

55 (a) A representative of the Department of Children and
56 Families, who shall serve as chair, appointed by the Secretary
57 of Children and Families.

58 (b) Two representatives of public Baker Act receiving

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59 facilities and two representatives of specialty hospitals,
60 appointed by the Florida Hospital Association.

61 (c) Two representatives of crisis stabilization units,
62 appointed by the Department of Children and Families.

63 (d) A representative of law enforcement agencies, appointed
64 by the Florida Sheriffs Association.

65 (e) A member of the judiciary who regularly evaluates Baker
66 Act cases, appointed by the Chief Justice of the Supreme Court.

67 (f) A public defender, appointed by the Florida Public
68 Defender Association.

69 (g) A state attorney, appointed by the Florida Prosecuting
70 Attorneys Association.

71 (h) A physician who provides care within a Baker Act
72 receiving facility, appointed by the Florida Medical
73 Association.

74 (i) A physician who regularly screens patients who meet
75 Baker Act criteria, appointed by the Florida College of
76 Emergency Physicians.

77 (j) A representative from a managing entity, appointed by
78 the Secretary of Children and Families.

79 (k) A representative of the Agency for Health Care
80 Administration, appointed by the Secretary of Health Care
81 Administration.

82 (l) Two representatives of the Florida Council for
83 Community Mental Health, appointed by the council.

84 (m) An advanced registered nurse practitioner who works in
85 a Baker Act receiving facility and who treats patients who meet
86 Baker Act criteria, appointed by the Florida Nurses Association.

87 (n) Two advanced registered nurse practitioners who are

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88 nationally certified in mental health, one appointed by the
89 Florida Association of Nurse Practitioners, and one appointed by
90 the Florida Nurse Practitioner Network.

91 (o) A psychologist licensed under chapter 490, Florida
92 Statutes, appointed by the Florida Psychological Association.

93 (p) A psychiatrist with experience in the Baker Act,
94 appointed by the Florida Psychiatric Society.

95 (3) The workgroup shall meet in Tallahassee and shall
96 determine the frequency of its meetings. Individual workgroup
97 members are responsible for their travel expenses.

98 (4) Members of the workgroup shall be appointed by June 1,
99 2018, and the first meeting of the workgroup must take place
100 before July 1, 2018. The workgroup shall review a draft of its
101 recommendations before September 1, 2018. By November 1, 2018,
102 the workgroup shall provide a final report to the Secretary of
103 Children and Families, the Secretary of Health Care
104 Administration, the President of the Senate, and the Speaker of
105 the House of Representatives. The report must include the
106 workgroup's findings and recommended statutory and
107 administrative rule changes.

108 Section 2. Paragraph (a) of subsection (1) and subsection
109 (4) of section 394.4625, Florida Statutes, are amended to read:
110 394.4625 Voluntary admissions.—

111 (1) AUTHORITY TO RECEIVE PATIENTS.—

112 (a) A facility may receive for observation, diagnosis, or
113 treatment any person 18 years of age or older making application
114 to the facility by express and informed consent for admission or
115 any person age 17 or under for whom such application is made by
116 his or her guardian. If found to show evidence of mental

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117 illness, to be competent to provide express and informed
118 consent, and to be suitable for treatment, such person 18 years
119 of age or older may be admitted to the facility.

120 1. Within 24 hours after a person is admitted for
121 observation, diagnosis, or treatment or transferred to voluntary
122 status pursuant to subsection (4), the administrator of the
123 facility shall file with the court in the county where the
124 person age 17 or under is located a petition for voluntary
125 placement. Such petition shall include all forms and information
126 as required by the department, including, but not limited to,
127 the application for voluntary admission or application to
128 transfer to voluntary status; the express and informed consent
129 of the person age 17 or under and his or her guardian to
130 admission for treatment; certification that the disclosures
131 required under s. 394.459 to obtain such express and informed
132 consent were communicated to the person and his or her guardian;
133 and pertinent demographic information about the person and his
134 or her guardian, including whether a final judgment of
135 dissolution of marriage has been entered, whether the guardian
136 is authorized to make health care decisions on behalf of the
137 person, and certification that a copy of the final judgment or
138 other document that establishes the authority of the guardian
139 has been or will be provided to the court. Upon filing, the
140 clerk of the court shall provide copies to the department, to
141 the person age 17 or under, and to his or her guardian. A fee
142 may not be charged for the filing of a petition under this
143 subparagraph.

144 2. Unless a continuance is granted, a court shall hold a
145 hearing within 5 court working days after a person age 17 or

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146 under is ~~may be~~ admitted ~~only after a hearing~~ to verify that the
 147 ~~voluntariness of~~ the consent to admission is voluntary.

148 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
 149 who is 18 years of age or older and who applies to be
 150 transferred to voluntary status, or an involuntary patient who
 151 is age 17 or under and whose guardian has made application on
 152 his or her behalf to transfer to voluntary status, shall be
 153 transferred to voluntary status immediately, unless the patient
 154 has been charged with a crime, or has been involuntarily placed
 155 for treatment by a court pursuant to s. 394.467 and continues to
 156 meet the criteria for involuntary placement. Within 24 hours
 157 after transfer to voluntary status, the administrator of the
 158 facility shall file a petition in accordance with subparagraph
 159 (1)(a)1. A court shall hold a hearing within 5 court working
 160 days after receiving a petition for voluntary placement for a
 161 patient age 17 or under to verify that the consent to remain in
 162 the facility is voluntary. When transfer to voluntary status
 163 occurs, notice shall be given as provided in s. 394.4599.

164 Section 3. Paragraph (a) of subsection (2) of section
 165 394.499, Florida Statutes, is amended to read:

166 394.499 Integrated children's crisis stabilization
 167 unit/juvenile addictions receiving facility services.—

168 (2) Children eligible to receive integrated children's
 169 crisis stabilization unit/juvenile addictions receiving facility
 170 services include:

171 (a) A person under 18 years of age for whom voluntary
 172 application is made by his or her guardian, if such person is
 173 found to show evidence of mental illness and to be suitable for
 174 treatment pursuant to s. 394.4625. The administrator of the

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175 facility shall file a petition for voluntary placement, pursuant
176 to s. 394.4625, within 24 hours after a person under 18 years of
177 age is admitted for integrated facility services. Unless a
178 continuance is granted, a court shall hold a hearing within 5
179 court working days after a person under 18 years of age is ~~may~~
180 ~~be admitted for integrated facility services only after a~~
181 ~~hearing~~ to verify that the consent to admission is voluntary.

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