



633106

LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/22/2015 10:29 AM

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Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete lines 66 - 154

and insert:

must include, at a minimum, provisions for all of the following:

1. Health appraisal;
2. Records review;
3. Nurse assessment;
4. Nutrition assessment;
5. A preventive dental program;
6. Vision screening;



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- 12 7. Hearing screening;
- 13 8. Scoliosis screening;
- 14 9. Growth and development screening;
- 15 10. Health counseling;
- 16 11. Referral and followup of suspected or confirmed health
17 problems by the local county health department;
- 18 12. Meeting emergency health needs in each school;
- 19 13. County health department personnel to assist school
20 personnel in health education curriculum development;
- 21 14. Referral of students to appropriate health treatment,
22 in cooperation with the private health community whenever
23 possible;
- 24 15. Consultation with a student's parent or guardian
25 regarding the need for health attention by the family physician,
26 dentist, or other specialist when definitive diagnosis or
27 treatment is indicated;
- 28 16. Maintenance of records on incidents of health problems,
29 corrective measures taken, and such other information as may be
30 needed to plan and evaluate health programs; except, however,
31 that provisions in the plan for maintenance of health records of
32 individual students must be in accordance with s. 1002.22;
- 33 17. Health information which will be provided by the school
34 health nurses, when necessary, regarding the placement of
35 students in exceptional student programs and the reevaluation at
36 periodic intervals of students placed in such programs; ~~and~~
- 37 18. Notification to the local nonpublic schools of the
38 school health services program and the opportunity for
39 representatives of the local nonpublic schools to participate in
40 the development of the cooperative health services plan; and-



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41 19. Immediate notification to a student's parent, guardian,
42 or caregiver if the student is removed from school, school
43 transportation, or a school-sponsored activity and taken to a
44 receiving facility for an involuntary examination pursuant to s.
45 394.463, including the requirements established under ss.
46 1002.20(3) and 1002.33(9), as applicable.

47 Section 2. Section 394.4599, Florida Statutes, is amended
48 to read:

49 394.4599 Notice.—

50 (1) VOLUNTARY ADMISSION PATIENTS.—Notice of an individual's
51 a voluntary ~~patient's~~ admission shall ~~only~~ be given only at the
52 request of the individual patient, except that, in an emergency,
53 notice shall be given as determined by the facility.

54 (2) INVOLUNTARY ADMISSION PATIENTS.—

55 (a) Whenever notice is required to be given under this
56 part, such notice shall be given to the individual ~~patient~~ and
57 the individual's ~~patient's~~ guardian, guardian advocate, health
58 care surrogate or proxy, attorney, and representative.

59 1. When notice is required to be given to an individual a
60 ~~patient~~, it shall be given both orally and in writing, in the
61 language and terminology that the individual ~~patient~~ can
62 understand, and, if needed, the facility shall provide an
63 interpreter for the individual ~~patient~~.

64 2. Notice to an individual's a ~~patient's~~ guardian, guardian
65 advocate, health care surrogate or proxy, attorney, and
66 representative shall be given by ~~United States mail and by~~
67 ~~registered or certified~~ mail with the date, time, and method of
68 notice delivery documented in ~~receipts attached to the patient's~~
69 clinical record. Hand delivery by a facility employee may be



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70 used as an alternative, with the date and time of delivery
71 documented in the clinical record. If notice is given by a state
72 attorney or an attorney for the department, a certificate of
73 service is ~~shall be~~ sufficient to document service.

74 (b) A receiving facility shall give prompt notice of the
75 whereabouts of an individual ~~a patient~~ who is being
76 involuntarily held for examination to the individual's guardian,
77 guardian advocate, health care surrogate or proxy, attorney or
78 representative, by telephone or in person within 24 hours after
79 the individual's patient's arrival at the facility, ~~unless the~~
80 ~~patient requests that no notification be made.~~ Contact attempts
81 shall be documented in the individual's patient's clinical
82 record and shall begin as soon as reasonably possible after the
83 individual's patient's arrival. ~~Notice that a patient is being~~
84 ~~admitted as an involuntary patient shall be given to the Florida~~
85 ~~local advocacy council no later than the next working day after~~
86 ~~the patient is admitted.~~

87 (c)1. A receiving facility shall give notice of the
88 whereabouts of a minor who is being involuntarily held for
89 examination pursuant to s. 394.463 to the minor's parent,
90 guardian, caregiver, or guardian advocate, in person or by
91 telephone or other form of electronic communication, immediately
92 after the minor's arrival at the facility. The facility may
93 delay notification for no more than 24 hours after the minor's
94 arrival if the facility has submitted a report to the central
95 abuse hotline, pursuant to s. 39.201, based upon knowledge or
96 suspicion of abuse, abandonment, or neglect and if the facility
97 deems a delay in notification to be in the minor's best
98 interest.



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99 2. The receiving facility shall attempt to notify the
100 minor's parent, guardian, caregiver, or guardian advocate until
101 the receiving facility receives confirmation from the parent,
102 guardian, caregiver, or guardian advocate, verbally, by
103 telephone or other form of electronic communication, or by
104 recorded message, that notification has been received. Attempts
105 to notify the parent, guardian, caregiver, or guardian advocate
106 must be repeated at least once every hour during the first 12
107 hours after the minor's arrival and once every 24 hours
108 thereafter and must continue until such confirmation is
109 received, unless the minor is released at the end of the 72-hour
110 examination period, or until a petition for involuntary
111 placement is filed with the court pursuant to s. 394.463(2)(i).
112 The receiving facility may seek assistance from a law
113 enforcement agency to notify the minor's parent, guardian,
114 caregiver, or guardian advocate if the facility has not received
115 within the first 24 hours after the minor's arrival a
116 confirmation by the parent, guardian, caregiver, or guardian
117 advocate that notification has been received. The receiving
118 facility must document notification attempts in the minor's
119 clinical record.

120 (d)(e) The written notice of the filing of the petition for
121 involuntary placement of an individual being held must contain
122 the following:

123 1. Notice that the petition has been filed with the circuit
124 court in the county in which the individual patient is
125 hospitalized and the address of such court.

126 2. Notice that the office of the public defender has been
127 appointed to represent the individual patient in the proceeding,



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128 if the individual patient is not otherwise represented by
129 counsel.

130 3. The date, time, and place of the hearing and the name of
131 each examining expert and every other person expected to testify
132 in support of continued detention.

133 4. Notice that the individual patient, the individual's
134 patient's guardian, guardian advocate, health care surrogate or
135 proxy, or representative, or the administrator may apply for a
136 change of venue for the convenience of the parties or witnesses
137 or because of the condition of the individual patient.

138 5. Notice that the individual patient is entitled to an
139 independent expert examination and, if the individual patient
140 cannot afford such an examination, that the court will provide
141 for one.

142 ~~(e)~~ A treatment facility shall provide notice of an
143 individual's ~~a patient's~~ involuntary admission on the next
144 regular working day after the individual's patient's arrival at
145 the facility.

146 ~~(f)~~ When an individual ~~a patient~~ is to be transferred
147 from one facility to another, notice shall be given by the
148 facility where the individual patient is located before ~~prior to~~
149 the transfer.

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 9 - 13

154 and insert:

155 F.S.; including health care surrogates and proxies as
156 individuals who may act on behalf of an individual



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157 involuntarily admitted to a facility; requiring a
158 receiving facility to immediately notify the parent,
159 guardian, caregiver, or guardian advocate of the
160 whereabouts of a minor who is being held for
161 involuntary examination; providing circumstances when
162 notification may be delayed; requiring the receiving
163 facility to make continuous notification attempts;
164 authorizing the receiving facility to seek assistance
165 from law enforcement under certain circumstances;
166 requiring the receiving facility to document
167 notification attempts in the minor's clinical record;
168 amending ss.