

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Harrell offered the following:

Amendment to Amendment (295021)

Remove lines 3944-4127 and insert:

or her to an appropriate, or the nearest, receiving facility
within the designated receiving system pursuant to s. 394.462
for involuntary examination. The order of the court shall be
made a part of the patient's clinical record. A No fee may not
~~shall~~ be charged for the filing of an order under this
subsection. A Any receiving facility accepting the patient based
on this order must send a copy of the order to the department
~~Agency for Health Care Administration on~~ the next working day.
The order may be submitted electronically through existing data
systems, if available. The order shall be valid only until the

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

15 person is delivered to the facility or ~~executed or, if not~~
16 ~~executed,~~ for the period specified in the order itself,
17 whichever comes first. If no time limit is specified in the
18 order, the order shall be valid for 7 days after the date that
19 the order was signed.

20 2. A law enforcement officer shall take a person who
21 appears to meet the criteria for involuntary examination into
22 custody and deliver the person or have him or her delivered to
23 an appropriate, or the nearest, receiving facility within the
24 designated receiving system pursuant to s. 394.462 for
25 examination. The officer shall execute a written report
26 detailing the circumstances under which the person was taken
27 into custody, which must ~~and the report shall~~ be made a part of
28 the patient's clinical record. Any ~~receiving~~ facility accepting
29 the patient based on this report must send a copy of the report
30 to the department ~~Agency for Health Care Administration~~ on the
31 next working day.

32 3. A physician, clinical psychologist, psychiatric nurse,
33 mental health counselor, marriage and family therapist, or
34 clinical social worker may execute a certificate stating that he
35 or she has examined a person within the preceding 48 hours and
36 finds that the person appears to meet the criteria for
37 involuntary examination and stating the observations upon which
38 that conclusion is based. If other less restrictive means, such
39 as voluntary appearance for outpatient evaluation, are not
40 available, ~~such as voluntary appearance for outpatient~~

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

41 ~~evaluation,~~ a law enforcement officer shall take into custody
42 the person named in the certificate ~~into custody~~ and deliver him
43 or her to the appropriate, or nearest, receiving facility within
44 the designated receiving system pursuant to s. 394.462 for
45 involuntary examination. The law enforcement officer shall
46 execute a written report detailing the circumstances under which
47 the person was taken into custody. The report and certificate
48 shall be made a part of the patient's clinical record. Any
49 ~~receiving~~ facility accepting the patient based on this
50 certificate must send a copy of the certificate to the
51 department ~~Agency for Health Care Administration~~ on the next
52 working day. The document may be submitted electronically
53 through existing data systems, if applicable.

54 (b) A person may ~~shall~~ not be removed from any program or
55 residential placement licensed under chapter 400 or chapter 429
56 and transported to a receiving facility for involuntary
57 examination unless an ex parte order, a professional
58 certificate, or a law enforcement officer's report is first
59 prepared. If the condition of the person is such that
60 preparation of a law enforcement officer's report is not
61 practicable before removal, the report shall be completed as
62 soon as possible after removal, but in any case before the
63 person is transported to a receiving facility. A ~~receiving~~
64 facility admitting a person for involuntary examination who is
65 not accompanied by the required ex parte order, professional
66 certificate, or law enforcement officer's report shall notify

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

67 the department ~~Agency for Health Care Administration~~ of such
68 admission by certified mail or by e-mail, if available, by no
69 ~~later than~~ the next working day. The provisions of this
70 paragraph do not apply when transportation is provided by the
71 patient's family or guardian.

72 (c) A law enforcement officer acting in accordance with an
73 ex parte order issued pursuant to this subsection may serve and
74 execute such order on any day of the week, at any time of the
75 day or night.

76 (d) A law enforcement officer acting in accordance with an
77 ex parte order issued pursuant to this subsection may use such
78 reasonable physical force as is necessary to gain entry to the
79 premises, and any dwellings, buildings, or other structures
80 located on the premises, and to take custody of the person who
81 is the subject of the ex parte order.

82 (e) The department ~~Agency for Health Care Administration~~
83 shall receive and maintain the copies of ex parte orders,
84 involuntary outpatient services ~~placement~~ orders issued pursuant
85 to s. 394.4655, involuntary inpatient placement orders issued
86 pursuant to s. 394.467, professional certificates, and law
87 enforcement officers' reports. These documents shall be
88 considered part of the clinical record, governed by the
89 provisions of s. 394.4615. These documents shall be used to ~~The~~
90 ~~agency shall~~ prepare annual reports analyzing the data obtained
91 from these documents, without information identifying patients,
92 and shall provide copies of reports to the department, the

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

93 President of the Senate, the Speaker of the House of
94 Representatives, and the minority leaders of the Senate and the
95 House of Representatives.

96 (f) A patient shall be examined by a physician or, a
97 clinical psychologist, or by a psychiatric nurse performing
98 within the framework of an established protocol with a
99 psychiatrist at a ~~receiving~~ facility without unnecessary delay
100 to determine if the criteria for involuntary services are met.
101 Emergency treatment may be provided ~~and may~~, upon the order of a
102 physician if the physician determines, ~~be given emergency~~
103 ~~treatment if it is determined~~ that such treatment is necessary
104 for the safety of the patient or others. The patient may not be
105 released by the receiving facility or its contractor without the
106 documented approval of a psychiatrist or a clinical psychologist
107 or, if the receiving facility is owned or operated by a hospital
108 or health system, the release may also be approved by a
109 psychiatric nurse performing within the framework of an
110 established protocol with a psychiatrist, or an attending
111 emergency department physician with experience in the diagnosis
112 and treatment of mental illness ~~and nervous disorders~~ and after
113 completion of an involuntary examination pursuant to this
114 subsection. A psychiatric nurse may not approve the release of a
115 patient if the involuntary examination was initiated by a
116 psychiatrist unless the release is approved by the initiating
117 psychiatrist. ~~However, a patient may not be held in a receiving~~
118 ~~facility for involuntary examination longer than 72 hours.~~

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

119 (g) Within the 72-hour examination period or, if the 72
120 hours ends on a weekend or holiday, no later than the next
121 working day thereafter, one of the following actions must be
122 taken, based on the individual needs of the patient:

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

126 2. The patient shall be released, subject to the
127 provisions of subparagraph 1., for voluntary outpatient
128 treatment;

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

133 4. A petition for involuntary placement shall be filed in
134 the circuit court if inpatient treatment is deemed necessary or
135 with the criminal county court, as defined in s. 394.4655(1), as
136 applicable. When inpatient treatment is deemed necessary, the
137 least restrictive treatment consistent with the optimum
138 improvement of the patient's condition shall be made available.
139 When a petition is to be filed for involuntary outpatient
140 placement, it shall be filed by one of the petitioners specified
141 in s. 394.4655(4) (a). A petition for involuntary inpatient
142 placement shall be filed by the facility administrator.

143 (h) ~~(g)~~ A person for whom an involuntary examination has
144 been initiated who is being evaluated or treated at a hospital

715781

Approved For Filing: 3/6/2016 7:45:19 PM

Amendment No.

145 for an emergency medical condition specified in s. 395.002 must
146 be examined by a ~~receiving~~ facility within 72 hours. The 72-hour
147 period begins when the patient arrives at the hospital and
148 ceases when the attending physician documents that the patient
149 has an emergency medical condition. If the patient is examined
150 at a hospital providing emergency medical services by a
151 professional qualified to perform an involuntary examination and
152 is found as a result of that examination not to meet the
153 criteria for involuntary outpatient services ~~placement~~ pursuant
154 to s. 394.4655(2) ~~394.4655(1)~~ or involuntary inpatient placement
155 pursuant to s. 394.467(1), the patient may be offered voluntary
156 services or placement, if appropriate, or released directly from
157 the hospital providing emergency medical services. The finding
158 by the professional that the patient has been examined and does
159 not meet the criteria for involuntary inpatient services
160 ~~placement~~ or involuntary outpatient placement must be entered
161 into the patient's clinical record. ~~Nothing in~~ This paragraph is
162 not intended to prevent a hospital providing emergency medical
163 services from appropriately transferring a patient to another
164 hospital before ~~prior to~~ stabilization if, ~~provided~~ the
165 requirements of s. 395.1041(3)(c) have been met.

166 (i) ~~(h)~~ One of the following must occur within 12 hours

715781

Approved For Filing: 3/6/2016 7:45:19 PM