

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee

3 Representative Silvers offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (f), (g), and (h) of subsection (2)
 8 of section 394.463, Florida Statutes, are amended to read:

9 394.463 Involuntary examination.—

10 (2) INVOLUNTARY EXAMINATION.—

11 (f) A patient shall be examined by a physician or a
 12 clinical psychologist, or by a psychiatric nurse performing
 13 within the framework of an established protocol with a
 14 psychiatrist at a facility without unnecessary delay to
 15 determine if the criteria for involuntary services are met.

16 However, if the patient is 10 years of age or younger, the

Amendment No.

17 examination must be initiated within 12 hours of arrival at the
18 facility and completed within 24 hours of arrival at the
19 facility. Emergency treatment may be provided upon the order of
20 a physician if the physician determines that such treatment is
21 necessary for the safety of the patient or others. The patient
22 may not be released by the receiving facility or its contractor
23 without the documented approval of a psychiatrist or a clinical
24 psychologist or, if the receiving facility is owned or operated
25 by a hospital or health system, the release may also be approved
26 by a psychiatric nurse performing within the framework of an
27 established protocol with a psychiatrist, or an attending
28 emergency department physician with experience in the diagnosis
29 and treatment of mental illness after completion of an
30 involuntary examination pursuant to this subsection. A
31 psychiatric nurse may not approve the release of a patient if
32 the involuntary examination was initiated by a psychiatrist
33 unless the release is approved by the initiating psychiatrist.

34 (g) Within the 72-hour examination period or, 24-hour
35 examination period for a patient that is 10 years of age or
36 younger, or if the examination period ~~72 hours~~ ends on a weekend
37 or holiday, no later than the next working day thereafter, one
38 of the following actions must be taken, based on the individual
39 needs of the patient:

Amendment No.

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

43 2. The patient shall be released, subject to the
44 provisions of subparagraph 1., for voluntary outpatient
45 treatment;

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

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

60 (h) A person for whom an involuntary examination has been
61 initiated who is being evaluated or treated at a hospital for an
62 emergency medical condition specified in s. 395.002 must be
63 examined by a facility within 72 hours, or 24 hours if the
64 patient is 10 years of age or younger. The examination ~~72-hour~~

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Amendment No.

65 period begins when the patient arrives at the hospital and
66 ceases when the attending physician documents that the patient
67 has an emergency medical condition. If the patient is examined
68 at a hospital providing emergency medical services by a
69 professional qualified to perform an involuntary examination and
70 is found as a result of that examination not to meet the
71 criteria for involuntary outpatient services pursuant to s.
72 394.4655(2) or involuntary inpatient placement pursuant to s.
73 394.467(1), the patient may be offered voluntary services or
74 placement, if appropriate, or released directly from the
75 hospital providing emergency medical services. The finding by
76 the professional that the patient has been examined and does not
77 meet the criteria for involuntary inpatient services or
78 involuntary outpatient placement must be entered into the
79 patient's clinical record. This paragraph is not intended to
80 prevent a hospital providing emergency medical services from
81 appropriately transferring a patient to another hospital before
82 stabilization if the requirements of s. 395.1041(3)(c) have been
83 met.

84 Section 2. This act shall take effect July 1, 2017.

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T I T L E A M E N D M E N T
Remove lines 3-13 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1183 (2017)

Amendment No.

89 adolescents to mental health facilities; amending s. 394.463;
90 requiring facility to initiate an involuntary examination of a
91 patient who is 10 years of age or younger within 12 hours of
92 arrival; requiring a facility to complete an examination of a
93 patient 10 years of age or younger within 24 hours of
94 examination; providing an effective date.