



211274

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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The Committee on Appropriations (Grimsley) recommended the following:

**Senate Amendment to Amendment (250728)**

Delete lines 2023 - 2143  
and insert:

3. A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined the individual ~~a person~~ within the preceding 48 hours and finds that the individual ~~person~~ appears to meet the criteria for involuntary examination and stating the



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11 observations upon which that conclusion is based. The  
12 certificate must specify whether the individual is to be taken  
13 to a mental health receiving facility, an addictions receiving  
14 facility, or a detoxification facility, and must include  
15 specific facts supporting the conclusion that the individual  
16 would benefit from services provided by the type of facility  
17 specified. ~~If other less restrictive means are not available,~~  
18 ~~such as voluntary appearance for outpatient evaluation,~~ A law  
19 enforcement officer shall take the individual ~~person~~ named in  
20 the certificate into custody and deliver him or her to the  
21 nearest ~~receiving~~ facility of the type specified in the  
22 certificate for involuntary examination. However, if the county  
23 in which the individual is taken into custody has a  
24 transportation exception plan specifying a central receiving  
25 facility, the law enforcement officer shall transport the  
26 individual to the central receiving facility pursuant to the  
27 plan. A law enforcement officer may only take an individual into  
28 custody on the basis of a certificate within 7 calendar days  
29 after execution of the certificate. The law enforcement officer  
30 shall complete ~~execute~~ a written report detailing the  
31 circumstances under which the individual ~~person~~ was taken into  
32 custody. The report and certificate shall be made a part of the  
33 ~~patient's~~ clinical record. Any ~~receiving~~ facility accepting the  
34 individual ~~patient~~ based on the ~~this~~ certificate must send a  
35 copy of the certificate to the Agency for Health Care  
36 Administration on the next working day.

37 (b) An individual may ~~A person shall~~ not be removed from a  
38 ~~any~~ program or residential placement licensed under chapter 400  
39 or chapter 429 and transported to a receiving facility for



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40 involuntary examination unless an ex parte order, a professional  
41 certificate, or a law enforcement officer's report is first  
42 prepared. If the condition of the individual ~~person~~ is such that  
43 preparation of a law enforcement officer's report is not  
44 practicable before removal, the report must ~~shall~~ be completed  
45 as soon as possible after removal, but ~~in any case~~ before the  
46 individual ~~person~~ is transported to a receiving facility. A  
47 receiving facility admitting an individual ~~a person~~ for  
48 involuntary examination who is not accompanied by the required  
49 ex parte order, professional certificate, or law enforcement  
50 officer's report must ~~shall~~ notify the Agency for Health Care  
51 Administration of such admission by certified mail by no later  
52 ~~than~~ the next working day. ~~The provisions of this paragraph do~~  
53 ~~not apply when transportation is provided by the patient's~~  
54 ~~family or guardian.~~

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

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

65 (e) Petitions and ~~The Agency for Health Care Administration~~  
66 ~~shall receive and maintain the copies of ex parte orders,~~  
67 involuntary outpatient placement orders, involuntary outpatient  
68 placement petitions and orders issued pursuant to s. 394.4655,



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69 involuntary inpatient placement petitions and orders issued  
70 pursuant to s. 394.467, professional certificates, and law  
71 enforcement officers' reports are. ~~These documents shall be~~  
72 ~~considered part of the clinical record,~~ governed by ~~the~~  
73 ~~provisions of s. 394.4615.~~ The agency shall prepare annual  
74 reports analyzing the data obtained from these documents,  
75 without information identifying individuals held for examination  
76 or admitted for mental health and substance abuse treatment  
77 ~~patients,~~ and shall provide copies of reports to the department,  
78 the President of the Senate, the Speaker of the House of  
79 Representatives, and the minority leaders of the Senate and the  
80 House of Representatives.

81 (f) An individual held for examination ~~A patient~~ shall be  
82 examined by a physician, a or clinical psychologist, or a  
83 psychiatric nurse performing within the framework of an  
84 established protocol with a psychiatrist at a receiving facility  
85 without unnecessary delay and may, upon the order of a  
86 physician, be given emergency mental health or substance abuse  
87 treatment if it is determined that such treatment is necessary  
88 for the safety of the individual patient or others. ~~The patient~~  
89 ~~may not be released by the receiving facility or its contractor~~  
90 ~~without the documented approval of a psychiatrist, a clinical~~  
91 ~~psychologist, or, if the receiving facility is a hospital, the~~  
92 ~~release may also be approved by an attending emergency~~  
93 ~~department physician with experience in the diagnosis and~~  
94 ~~treatment of mental and nervous disorders and after completion~~  
95 ~~of an involuntary examination pursuant to this subsection.~~  
96 ~~However, a patient may not be held in a receiving facility for~~  
97 ~~involuntary examination longer than 72 hours.~~



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98           (g) An individual may not be held for involuntary  
99 examination for more than 72 hours from the time of the  
100 individual's arrival at the facility, except that this period  
101 may be extended by 48 hours if a physician documents in the  
102 clinical record that the individual has ongoing symptoms of  
103 substance intoxication or substance withdrawal and the  
104 individual would likely experience significant clinical benefit  
105 from detoxification services. This determination must be made  
106 based on a face-to-face examination conducted by the physician  
107 no less than 48 hours and not more than 72 hours after the  
108 individual's arrival at the facility. Based on the individual's  
109 needs, one of the following actions must be taken within the  
110 involuntary examination period:

111           1. The individual shall be released with the approval of a  
112 psychiatrist or clinical psychologist. However, if the  
113 examination is conducted in a receiving facility that is owned  
114 or operated by a hospital or health system, an emergency  
115 department physician or a psychiatric nurse performing within  
116 the framework of an established protocol with a psychiatrist may  
117 approve the release. A psychiatric nurse may not approve the  
118 release of a patient when the involuntary examination has been  
119 initiated by a psychiatrist, unless the release is approved by  
120 the initiating psychiatrist.