

1 A bill to be entitled
 2 An act relating to admission of children and
 3 adolescents to mental health facilities; amending s.
 4 394.463, F.S.; requiring a facility to initiate an
 5 involuntary examination of a minor within 12 hours;
 6 creating a task force within the Department of
 7 Children and Families; providing purpose and
 8 membership; requiring the task force to analyze
 9 certain data and make recommendations in a report to
 10 the Governor and the Legislature by a specified date;
 11 providing for expiration of the task force; providing
 12 an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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

18 394.463 Involuntary examination.—

19 (2) INVOLUNTARY EXAMINATION.—

20 (g) The examination period shall be up to 72 hours. For a
 21 minor, the examination shall be initiated within 12 hours after
 22 the patient's arrival at the facility. Within the ~~72-hour~~
 23 examination period or, if the examination period ~~72 hours~~ ends
 24 on a weekend or holiday, no later than the next working day
 25 thereafter, one of the following actions must be taken, based on

26 | the individual needs of the patient:

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

30 | 2. The patient shall be released, subject to the
31 | ~~provisions of~~ subparagraph 1., for voluntary outpatient
32 | treatment;

33 | 3. The patient, unless he or she is charged with a crime,
34 | shall be asked to give express and informed consent to placement
35 | as a voluntary patient and, if such consent is given, the
36 | patient shall be admitted as a voluntary patient; or

37 | 4. A petition for involuntary services shall be filed in
38 | the circuit court if inpatient treatment is deemed necessary or
39 | with the criminal county court, as defined in s. 394.4655(1), as
40 | applicable. When inpatient treatment is deemed necessary, the
41 | least restrictive treatment consistent with the optimum
42 | improvement of the patient's condition shall be made available.
43 | When a petition is to be filed for involuntary outpatient
44 | placement, it shall be filed by one of the petitioners specified
45 | in s. 394.4655(4)(a). A petition for involuntary inpatient
46 | placement shall be filed by the facility administrator.

47 | (h) A person for whom an involuntary examination has been
48 | initiated who is being evaluated or treated at a hospital for an
49 | emergency medical condition specified in s. 395.002 must be
50 | examined by a facility within the examination period specified

51 | in paragraph (g) ~~72 hours~~. The examination ~~72-hour~~ period begins
52 | when the patient arrives at the hospital and ceases when the
53 | attending physician documents that the patient has an emergency
54 | medical condition. If the patient is examined at a hospital
55 | providing emergency medical services by a professional qualified
56 | to perform an involuntary examination and is found as a result
57 | of that examination not to meet the criteria for involuntary
58 | outpatient services pursuant to s. 394.4655(2) or involuntary
59 | inpatient placement pursuant to s. 394.467(1), the patient may
60 | be offered voluntary services or placement, if appropriate, or
61 | released directly from the hospital providing emergency medical
62 | services. The finding by the professional that the patient has
63 | been examined and does not meet the criteria for involuntary
64 | inpatient services or involuntary outpatient placement must be
65 | entered into the patient's clinical record. This paragraph is
66 | not intended to prevent a hospital providing emergency medical
67 | services from appropriately transferring a patient to another
68 | hospital before stabilization if the requirements of s.
69 | 395.1041(3)(c) have been met.

70 | Section 2. (1) There is created a task force within the
71 | Department of Children and Families to address the issue of
72 | involuntary examinations under s. 394.463 of children age 17 and
73 | younger. The task force shall, at a minimum, analyze data on the
74 | initiation of involuntary examinations of children, research the
75 | root causes of any trends in such involuntary examinations,

76 | identify and evaluate options for expediting examinations for
77 | children, and identify recommendations for encouraging
78 | alternatives to and eliminating inappropriate initiations of
79 | such examinations. The task force shall submit a report of its
80 | findings to the Governor, the President of the Senate, and the
81 | Speaker of the House of Representatives on or before December 1,
82 | 2017.

83 | (2) The Secretary of Children and Families or a designee,
84 | shall chair the task force, which shall consist of the following
85 | members, appointed by the secretary:

86 | (a) The Commissioner of Education or a designee.

87 | (b) A representative of the Florida Public Defender
88 | Association.

89 | (c) A representative of the Florida Association of
90 | District School Superintendents.

91 | (d) A representative of the Florida Sheriffs Association.

92 | (e) A representative of the Florida Police Chiefs
93 | Association.

94 | (f) A representative of the Florida Council for Community
95 | Mental Health.

96 | (g) A representative of the Florida Alcohol and Drug Abuse
97 | Association.

98 | (h) A representative of the Behavioral Health Care Council
99 | of the Florida Hospital Association.

100 | (i) A representative of the Florida Psychiatric Society.

101 (j) A representative of the National Alliance on Mental
102 Illness.

103 (k) One individual who is a family member of a minor who
104 has been subject to an involuntary examination.

105 (l) Other members as deemed appropriate by the Secretary
106 of Children and Families.

107 (2) The department shall use existing and available
108 resources to administer and support the activities of the task
109 force. Members of the task force shall serve without
110 compensation and are not entitled to reimbursement for per diem
111 or travel expense. The task force may conduct its meetings via
112 teleconference.

113 (3) This section expires March 31, 2018.

114 Section 3. This act shall take effect July 1, 2017.