

Data Reporting Requirements in the Florida Mental Health Act (F.S. 394, Part I)¹

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The purpose of this report is to provide an overview and appropriate statutory references related to data reporting requirements in the Florida Mental Health Act or “Baker Act” (F.S. 394, Part I). It may be helpful for readers from outside of Florida to know that the terms emergency commitment, inpatient commitment and outpatient commitment, commonly used elsewhere and in the literature, are not used in the Baker Act. Rather, the Baker Act uses the terms “involuntary examination,” “involuntary inpatient placement,” and “involuntary outpatient placement” for these terms, respectively.²

The Baker Act contains several provisions for data submission. Some require Baker Act receiving facilities³ and other providers to submit data to the Florida Agency for Health Care Administration. Other provisions required the 67 Offices of Clerks of Court to submit documents to the Florida Department of Children and Families.

Submission of Data to the Florida Department of Children and Families

Submission of the following by Office of Clerks of Court to the Florida Department of Children and Families is required. The relevant statutory references are provided in the box below.

- Petition for involuntary outpatient placement and individualize treatment plan – 394.465(3)(c)
- Petition for continued involuntary outpatient placement and treatment plan – 394.4655(7)(a)(4)
- Petition for involuntary inpatient placement – 394.467(3)

The term “department” in the following passages refers to the Florida Department of Children and Families.

Petition for Involuntary Outpatient Placement – 394.4655(3)(c)

The petition for involuntary outpatient placement must be filed in the county where the patient is located, unless the patient is being placed from a state treatment facility, in which case, the petition must be filed in the county where the patient will reside. When the petition has been filed, the clerk of the court shall provide copies of the petition and the proposed treatment plan to the department, the patient, the patient’s guardian or representatives, the state attorney, and the public defender or the patient’s private counsel. A fee may not be charged for filing a petition under this subsection.

Procedures for Continued Involuntary Outpatient Placement – 394.4655(7)(a)(4)

The service provider shall develop the individualized plan of continued treatment in consultation with the patient or the patient’s guardian advocate, if appropriate. When the petition has been filed, the clerk of the court shall provide copies of the certificate and the individualized plan of continued treatment to the department, the patient, the patient’s guardian advocate, the state attorney, and the patient’s private counsel or the public defender.

Petition for Involuntary Inpatient Placement – 394.467(3)

The administrator of the facility shall file a petition for involuntary inpatient placement. . . . Upon filing, the clerk of the court shall provide copies to the department, the patient, the patient’s guardian or representative, and the state attorney and public defender of the judicial circuit in which the patient is located.

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² Additional details about the Baker Act, as well as descriptions and reports of data can be found at the Baker Act Reporting Center website (<http://bakeract.fmhi.usf.edu>), as well as at the Florida Department of Children and Families website (<http://www.dcf.state.fl.us/mentalhealth/laws/index.shtml>). These topics will not be covered in this report, given that it is focused only on information about data reporting.

³ The Florida Department of Children and Families designates receiving facilities. Some units receive public funds, while others are private (receiving no public funds). Involuntary examinations may only take place at these receiving facilities.

Submission of Data to the Florida Agency for Health Care Administration

Submission of the following to the Florida Agency for Health Care Administration (AHCA) is required. The relevant statutory references from the Baker Act are provided in the box below.

- Involuntary Examination – see 394.463 (2)(e)
 - Ex-parte orders for involuntary examination – 394.463(2)(a)(1)
 - Law enforcement reports – 394.463 (2)(a)(2)
 - Mental Health professional certificates (2)(a)(3)
- Involuntary Outpatient Placement Orders – 494.4655(6)(b)(2)
- Involuntary Inpatient Placement Orders – 394.463(2)(e)

Involuntary Examination – F.S. 394.463(2)(e)

The Agency for Health Care Administration shall receive and maintain copies of ex parte orders, involuntary outpatient placement orders issued pursuant to s. 394.4655, involuntary inpatient placement orders issued pursuant to s.394.467, professional certificates, and law enforcement officers' reports. These documents shall be considered part of the clinical record, governed by the provisions of s. 394.4615. The agency shall prepare annual reports analyzing the data obtained from these documents, without information identifying patients, and shall provide copies of reports to the department, the President of the Senate the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.

Involuntary Examination 394.463(2)(a)(1)

A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on sworn testimony, written, or oral....Any receiving facility accepting the patient based on this order must send a copy of the order to the Agency for Health Care Administration on the next working day.

Involuntary Examination 394.463(2)(a)(2)

A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's record. Any receiving facility accepting the patient based on this report must send a copy of the report to the Agency for Health Care Administration on the next working day.

Involuntary Examination 394.463(2)(a)(3)

A physician, clinical psychologist, psychiatric nurse, mental health counselor, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which the conclusion is based....Any receiving facility accepting the patient based on this certification must send a copy of the certificate to the Agency for Health Care Administration on the next working day.

Involuntary Outpatient Placement – 494.4655(6)(b)(2)

A copy of the order [for involuntary outpatient placement] must be sent to the Agency for Health Care Administration by the service provider within 1 working day after it is received from the court.

The Baker Act Reporting Center at the de la Parte Florida Mental Health Institute receives data on behalf of the AHCA, which allows it to meet its statutorily required receipt and reporting of this information. The Baker Act Reporting Center has received forms documenting involuntary examination since 1997 and copies of inpatient placement order and outpatient placement orders since these data reporting requirements went into effect in January 2005.