

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 6, 2017 Consent Regular
 Ordinance Public Hearing

Department: **County Administration**
 Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve Palm Beach County's Behavioral Health Transportation Plan (Plan) to organize a centralized system of acute care services for persons in crisis pursuant to Senate Bill 12 passed in the 2016 Florida Legislative Session.

Summary: In the 2016 session, the Florida Legislature passed Senate Bill 12 with a broad scope of changes to the behavioral health system in Florida. Included in the bill are amendments to the Baker and Marchman Acts for involuntary commitment of persons in mental health and substance abuse crises. The Bill states in § 394.462, F.S. "A transportation plan shall be developed and implemented by each county by July 1, 2017, in collaboration with the managing entity in accordance with this section." The proposed Plan was developed by the Southeast Florida Behavioral Health Network (SEFBHN) and reviewed by community stakeholders, the Department of Community Services, and the Palm Beach County Public Safety Coordinating Council. Corresponding programs funded through the County's Financially Assisted Agencies program will be aligned with the Plan. The Plan requires approval by SEFBHN, the Board of County Commissioners, and the Florida Department of Children and Families. Countywide LDC

Background and Justification: According to the Florida Department of Children and Families one in six Floridians have behavioral health issues, roughly 3.4 million individuals. In 2015, over 2,500 Floridians died from an opioid overdose with 2016 numbers expected to increase. Palm Beach County realized a 314% increase in opioid overdoses from 2012 (142) to 2016 (592). There were a total of 9,550 Baker Act involuntary evaluations in the County for Fiscal Year 2016, 46.64% initiated by law enforcement. Marchman and Baker Act filings for the 15th Judicial Circuit for 2015 were 2,436, with 1,640 for Baker Act and 796 for Marchman Act. The need for an organized centralized system of acute care for persons in behavioral health crisis, including transportation, is substantiated.

Attachments:

- 1) Palm Beach County Behavioral Health Transportation Plan

Recommended by:	 _____ Assistant County Administrator	5/24/17 _____ Date
Approved by:	 _____ Deputy County Administrator	5-24-17 _____ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>_____*</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

ADDITIONAL FTE POSITIONS (Cumulative) _____ 0 _____ 0 _____ 0 _____ 0 _____ 0

Is Item Included In Current Budget? Yes No

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
 Rev No: Fund _____ Department _____ Unit _____ RevSc _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Fund:
 Unit:
 Grant:

Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

* No Fiscal Impact

Phillip [Signature] 5/25/17
 OFMB 2/5/24 4/6/24

[Signature] 5/25/17
 Contract Administration
 5/25/17 (TW)

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

**DEPARTMENT OF CHILDREN AND FAMILIES
SOUTHEAST REGION
SUBSTANCE ABUSE AND MENTAL HEALTH**

PALM BEACH COUNTY BEHAVIORAL HEALTH

TRANSPORTATION PLAN

2017

PALM BEACH COUNTY BEHAVIORAL HEALTH TRANSPORTATION PLAN

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PALM BEACH COUNTY TRANSPORTATION PLAN

GENERAL PROVISIONS

INTRODUCTION

Palm Beach County in partnership with Southeast Florida Behavioral Health Network, in accordance with Florida Statute Chapter 394, Part 1, Florida Mental Health Act or the "Baker Act", Florida Statute Chapter 397, Hal S. Marchman Alcohol and Other Drug Services Act of 1993, and pursuant F.S. 394.462 has developed a plan to organize a centralized system for acute care services. This plan has been reviewed by community stakeholders, and the Palm Beach County Public Safety Coordinating Council. This Transportation Plan requires approval by the Palm Beach County Board of County Commissioners, Southeast Florida Behavioral Health Network and the Department of Children and Families. Upon approval this document will serve as the Transportation Plan for Palm Beach County.

PURPOSE

The Palm Beach County Transportation Plan is intended to serve the continued best interest of persons in need of public behavioral healthcare in Palm Beach County. The Plan will insure that individuals on an involuntary Baker Act/Marchman Act will obtain immediate access to acute care services and will reduce the need for inter-hospital transfers for psychiatric and addiction services. Coordination of services among providers in Palm Beach County will continue to meet individual needs.

A. The intent of this Plan is to:

1. Arrange the centralization and improvement in the provision of services within Palm Beach County, which may include an exception to the requirement for transportation to the nearest receiving facility.
2. Establish a procedure by which a facility may provide, in addition to required psychiatric and addiction services, an environment and services which are uniquely tailored to the needs of an identified group of persons with special needs, such as persons with hearing impairments or visual impairments, or persons with physical frailties; or
3. Create a specialized transportation system that provides an efficient and humane method of transporting patients to receiving facilities, among receiving facilities, and to treatment facilities.

B. Section 394.462, F.S. requires that: Each county shall designate a single law enforcement agency within the county, or portions thereof, to take a person into custody upon entry of an ex parte order or the execution of a certificate for involuntary examination by an authorized professional and to transport that person to the appropriate facility within the designated receiving system, this section also permits the county to contract with an emergency medical transport service or private transport company for transportation of persons to receiving facilities at the sole cost of the county. Under this plan each law enforcement agency is responsible for their jurisdiction and are designated to effectuate the Transportation Plan for Palm Beach County.

The use of a transportation company has been proposed to provide an alternative to law enforcement that could result in reducing the trauma of being taken into custody and lessen the likelihood of a criminal charge. It may also reduce requirements on law enforcement. The plan proposes the option of a private transportation company be explored by the county in

conjunction with the managing entity and make a recommendation to the Board of County Commissioners by March 1, 2018.

The Plan calls for the designated law enforcement agencies to transport as follows:

1. Adults on an involuntary Baker Act to:
 - Delray Medical Center
 - JFK Medical Center
 - JFK Medical Center North Campus (formally West Palm Hospital)
 - South County Mental Health Center
 - St Mary's Medical Center
 - The Jerome Golden Center for Behavioral Health (808 NW Ave D, Belle Glade and 1041 45th St, West Palm Beach)
2. Adults on an involuntary Marchman Act to Drug Abuse Foundation or The Jerome Golden Center for Behavioral Health in Belle Glade.
3. Youth under the age of 18 years on an involuntary Baker Act to the nearest receiving facility, either JFK Medical Center North Campus or The Jerome Golden Center for Behavioral Health in Belle Glade.
4. Youth under the age of 18 years on an involuntary Marchman Act to Drug Abuse Foundation.

CURRENT SYSTEM CAPACITY

Adult's Baker Act

- Delray Medical Center – 48 Beds
- JFK Medical Center – 31 Beds
- JFK Medical Center North Campus (formally West Palm Hospital) – 61 Beds
- South County Mental Health Center – 35 Beds
- St Mary's Medical Center – 40 Beds
- The Jerome Golden Center for Behavioral Health
 - 808 NW Ave D, Belle Glade and 1041 – 8 Beds
 - 45th St, West Palm Beach - 44 Beds

Children's Baker Act

- JFK Medical Center North Campus (formally West Palm Hospital) – 27 Beds
- The Jerome Golden Center for Behavioral Health Belle Glade- 2 Beds

Substance Abuse Detoxification

- Drug Abuse Foundation- 22 Detox Beds
- The Jerome Golden Center for Behavioral Health in Belle Glade - 4 Detox Beds

The receiving facilities listed in this paragraph will notify the Baker Act Task Force Committee of any changes in system capacity.

MARCHMAN AND BAKER STATISTICS AS OF 2016:

Involuntary Evaluations under the Baker Act for the 15th Judicial Circuit show a total of 9,550 filings for 2015/2016, 46.64% initiated by law enforcement.

Total Mobile Crisis Team calls in Palm Beach County for 2015 was 5,364; with a breakdown of 1,833 Face to Face Community, 462 Involuntary/Baker Acts; and 700 Youth (under 18 years of age).

Marchman and Baker Act filings for the 15th Judicial Circuit of the Palm Beach County show a total of 2,436 filings for 2015; with a breakdown of 1,640 Baker Acts and 796 Marchman Acts.

BAKER ACT

Florida Statutes Chapter 394 commonly called the "Baker Act" is a means for providing persons suffering from a mental illness with emergency services and evaluation for mental health treatment, when required, either on a voluntary or involuntary basis.

Florida law provides a methodology by which a person believed to suffer from a mental illness may be examined to determine if he or she qualifies for involuntary services. Under Florida law there are 3 methods by which a person who appears to suffer from a mental illness can be involuntarily examined. Those methods are as follows, to-wit:

1. **Involuntary Court Proceeding:** Through the issuance of an ex parte order by the Court under Florida Statutes Section 394.463, if less restrictive means are not available, requiring the law enforcement officer or other designated agent of the court, to take the person to the appropriate, or nearest, facility within the designated receiving system; or alternatively
2. **Involuntary Health Care Admission:** Through the execution of a certificate issued by a physician, clinical psychologist, psychiatric nurse, mental health counselor, Licensed Clinical Social Worker, marriage and family therapist requiring the law enforcement officer to take the person to the appropriate, or nearest, facility within the designated receiving system; or alternatively
3. **Law Enforcement Baker Act (LEBA):** Through the action of a law enforcement officer who finds a person meets the criteria for a Baker Act involuntary examination and who executes a written report detailing the circumstances under which the person was taken into custody, and then deliver that person to the appropriate, or nearest, facility within the designated receiving system.

Under each circumstance the person must be transported by law enforcement (or under the exceptions provisions of Florida law another entity) in accordance with the Transportation Plan set forth herein.

CHOICE

Law Enforcement may take into consideration individual choice when making a determination of which Baker Act receiving facility to transport the individual. However, if an Ex Parte Order for Involuntary Examination has been entered by the Court, requiring the law enforcement officer to take the person to a specifically named facility, or the appropriate, or nearest, facility within the designated receiving system.

MEDICAL TREATMENT

Pursuant to section 394.462(1)(i), "[i]f the appropriate law enforcement officer believes that a person has an emergency medical condition as defined in s. 395.002, the person may be first transported to a hospital for emergency medical treatment, regardless of whether the hospital is a designated receiving facility.

Transportation Upon Being Medically Stabilized: Upon completion of treatment for individuals who are designated "on hold or "still in custody", law enforcement is responsible for arranging transport to the jail to be booked and/or to the appropriate Baker Act receiving facility. For persons not in custody for a criminal offense and the individual has been stabilized, the hospital or emergency care center shall be responsible for arranging transportation to the appropriate Baker Act receiving facility under this Transportation Plan.

PERSONS ARRESTED OR IN CUSTODY

1. Felony Arrests: Pursuant to FS 394.462 (1)(f): "When any law enforcement officer has arrested a person for a felony and it appears that the person meets the statutory guidelines for involuntary examination or placement under this part, such person must first be processed in the same manner as any other criminal suspect. The law enforcement agency shall thereafter immediately notify the appropriate facility within the designated receiving system pursuant to a transportation plan or an exception under subsection (4), or to the nearest receiving facility if neither apply. The receiving facility shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility is not required to admit a person charged with a crime for whom the facility determines and documents that it is unable to provide adequate security, but shall provide examination and treatment to the person where he or she is held."
2. Minor Criminal Offenses (Includes some Misdemeanors and NonCriminal Offenses) Pursuant to FS 394.462(1)(g): "When a designated law enforcement agency "has custody of a person based on either noncriminal or minor criminal behavior [and that person has been released from custody] but that person meets the statutory guidelines for involuntary examination pursuant to s. 394.463, the law enforcement officer shall transport the person to the appropriate facility within the designated receiving system pursuant to [this transportation plan] or an exception under subsection (4), or to the nearest receiving facility if neither apply."
3. Transportation Upon Stabilization and Assessment under the Baker Act: Upon completion of assessment and stabilization on person who are designated "on hold or "still in custody", law enforcement is responsible for arranging transport to the jail to be booked and/or to the appropriate Baker Act receiving facility. For persons not in custody for a criminal offense and the individual has been stabilized, the hospital or emergency care center shall be responsible for arranging transportation to the appropriate Baker Act receiving facility under this Transportation Plan.

TRANSFERS BETWEEN RECEIVING FACILITIES:

Once an individual is in a Baker Act receiving facility, there are occasions when that individual needs to be discharged from one Baker Act receiving facility and transferred to another Baker Act receiving facility. Transportation between facilities is coordinated by the transferring Baker Act facility. Law enforcement is not responsible to transport individuals from one Baker Act receiving facility to another unless the individual has criminal charges. In that case, the Palm Beach County Sheriff's Office shall be noticed prior to transfer and will provide the transportation. Except, Hendry or Glades residents will be transported by the Hendry or Glades County Sheriff's Office

Transfer of Custody: Under section 394.462(3), Custody of a person who is transported pursuant to this part, along with related documentation, shall be relinquished to responsible adult at the appropriate receiving or treatment facility. Law enforcement shall not leave the individual until this has been accomplished.

MARCHMAN ACT

Florida Statutes Chapter 397 commonly called the "Marchman Act" is a means for providing persons suffering from a substance abuse addiction with emergency services and temporary evaluation for substance abuse treatment, when required, on an involuntary basis.

Florida law provides a methodology by which a person believed to suffer from a substance abuse addiction may be assessed and stabilized to determine if he or she qualifies for

involuntary assessment and stabilization. Under Florida law there are several methods by which a person who appears to suffer from a substance abuse addiction can be involuntarily assessed and stabilized. Those methods are as follows, to-wit:

1. **Involuntary Court Admission:** Through the issuance by the Court of an order either (a.) after an evidentiary hearing or (b.) alternatively without hearing on an *ex parte* basis by the Court. Under either circumstance the Court shall issue an order expressly designating the facility the person is to be delivered to for assessment and stabilization. Under this method the Court will dictate the specific facility law enforcement must deliver the person to; or alternatively
2. **Emergency Admission:** Through the execution of a certificate issued by a physician, an advanced registered nurse practitioner, a psychiatric nurse, a clinical psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician assistant working under the scope of practice of the supervising physician, or a master's level certified addictions professional for substance abuse services, and the completion of an application for emergency admission requiring the law enforcement officer to take the person to the appropriate, or nearest, facility within the designated receiving system; or alternatively
3. **Protective Custody:** Through the action of a law enforcement officer who may implement protective custody measures either with or without consent of the person requiring the law enforcement officer to take the person to the appropriate, or nearest, facility within the designated receiving system; or alternatively
4. **Involuntary Assessment Procedure for Minors:** By the execution of an application for admissions filed with an addictions receiving facility by the minor's parent, guardian or legal custodian, requiring the law enforcement officer to take the person to the appropriate, or nearest, facility within the designated receiving system.

Under each circumstance the person must be transported by law enforcement (or under the exceptions provisions of Florida law another entity) in accordance with the Transportation Plan set forth herein.

INVOLUNTARY ASSESSMENTS:

1. **Court-Ordered:** Under FS Chapter 397.6818:
If the court enters an order authorizing involuntary assessment and stabilization, the order shall include the court's findings with respect to the availability and appropriateness of the least restrictive alternatives and the need for the appointment of an attorney to represent the respondent, and may designate the specific licensed service provider to perform the involuntary assessment and stabilization of the respondent. The respondent may choose the licensed service provider to deliver the involuntary assessment where possible and appropriate.
2. If the court finds it necessary, it may order the Palm Beach County Sheriff's Office to take the respondent into custody and deliver him or her to the licensed service provider specified in the court order or, if none is specified, to the nearest appropriate licensed service provider for involuntary assessment.
3. Pursuant to FS Chapter 397.6818, the court may enter an order requiring involuntary assessment and stabilization. In that order, the court may require the Palm Beach County Sheriff's office to deliver the individual for assessment and stabilization and the court shall designate the appropriate licensed Marchman Act receiving facility for the individual.

4. Non court-ordered involuntary Assessments: The designated law enforcement agency shall be responsible for transporting.
5. Unless otherwise ordered by the court, all persons on an involuntary Marchman Act are to be transported to the Drug Abuse Foundation or the Jerome Golden Center for Behavioral Health Detox facility in Belle Glade based on their capacity and capability to serve the individual.
6. The order is valid only for the period specified in the order or, if a period is not specified, for 7 days after the order is signed.

MEDICAL TREATMENT:

Pursuant to FS 394.462(1)(g), if an individual has a medical issue that needs to be addressed or an intoxication level that is medically compromising, law enforcement, or Emergency Medical Services is required to transport the individual being detained under a Marchman Act to the nearest hospital or emergency care center for medical stabilization.

Transportation Upon Being Medically Stabilized: Upon completion of treatment for individuals who are designated "on hold or "still in custody", law enforcement is responsible for arranging transport to the jail to be booked and/or to the appropriate Marchman Act receiving facility. For persons not in custody for a criminal offense and the individual has been stabilized, the hospital or emergency care center shall be responsible for arranging transportation to the appropriate Marchman Act receiving facility under this Transportation Plan.

PERSONS ARRESTED OR IN CUSTODY

1. Felony Offenses: Pursuant to FS 394.462 (1)(f): "When any law enforcement officer has arrested a person for a felony and it appears that the person meets the statutory guidelines for involuntary examination or placement under this part, such person must first be processed in the same manner as any other criminal suspect. The law enforcement agency shall thereafter immediately notify the appropriate facility within the designated receiving system pursuant to a transportation plan or an exception under subsection (4), or to the nearest receiving facility if neither apply. The receiving facility shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility is not required to admit a person charged with a crime for whom the facility determines and documents that it is unable to provide adequate security, but shall provide examination and treatment to the person where he or she is held."
2. Minor Criminal Offenses: (Includes some Misdemeanors and NonCriminal Offenses). Pursuant to FS 394.462(1)(g): Persons who meet the statutory guidelines for involuntary admission pursuant to s. 397.675 may also be transported by law enforcement officers to the extent resources are available and as otherwise provided by law. Such persons shall be transported to an appropriate facility within the designated receiving system pursuant to a transportation plan or an exception under subsection (4), or to the nearest facility if neither apply."
3. Transportation Upon Stabilization and Assessment under the Marchman Act: Upon completion of assessment and stabilization on person who are designated "on hold or "still in custody", law enforcement is responsible for arranging transport to the jail to be booked and/or to the appropriate Marchman Act receiving facility. For persons not in custody for a criminal offense and the individual has been stabilized, the hospital or emergency care

center shall be responsible for arranging transportation to the appropriate Marchman Act Receiving facility under this Transportation Plan.

TRANSPORTATION TO A TREATMENT FACILITY:

1. For those hospitalized patients unable to afford transportation between hospitals and receiving facilities under section 394 or section 397, regardless of whether the patient is under an involuntary order or is voluntarily requesting transportation, the facility will be responsible for transporting the patient to the receiving facility.
2. However, under this County's Transportation Plan, "county or municipal law enforcement and correctional personnel and equipment **may not** be used to transport patients adjudicated incapacitated or found by the court to meet the criteria for **involuntary placement** pursuant to s. 394.467, except in small rural counties where there are no cost-efficient alternatives.

System Oversight

In an effort to resolve complaints, grievances, and disputes which may arise during implementation of the plan, The Baker Act Task Force Committee will implement necessary actions in response to its ongoing review and any public or Southeast Florida Behavioral Health Network (SEFBHN) or Department of Children and Families review.

The Southeast Region Department of Children and Families, Substance Abuse and Mental Health Program Office and SEFBHN is responsible for providing oversight to the Transportation Plan. The Department of Children and Families and SEFBHN have the authority to resolve issues concerning the Transportation Plan, approve interagency agreements, as well as coordinate other services needed for individuals beyond acute care services. The Regional office also has a working relationship with the Agency for Health Care Administration if issues arise beyond the department's authority.

Interorganizational Collaboration

Implementing an excellent Transportation Plan on behalf of persons in need of behavioral health services requires a significant amount of cooperation, commitment and collaboration from all parties involved. Besides having the strong support of law enforcement and the behavioral health providers, Palm Beach County hospitals have engaged in a public planning process which has strengthened the relationships between all parties responsible for implementing the Transportation Plan in Palm Beach County.

DEFINITIONS

<u>Baker Act:</u>	The Florida Mental Health Act.
<u>Marchman Act:</u>	The Hal S. Marchman Alcohol and Other Drug Services Act
<u>Receiving Facility:</u>	Any public or private facility designated by the Department of Children and Families to receive and hold involuntary patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment.
<u>Private Receiving Facility:</u>	Any hospital or facility operated by a for-profit or not-for-profit corporation or association that provides mental health services and is not a public facility.
<u>Public Receiving Facility:</u>	Any facility that has contracted with the Department of Children and Families to provide mental health services to all persons, regardless of their ability to pay, and is receiving state funds for such purpose.