

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

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Meeting Date: November 17, 2020 Consent Regular
 Ordinance Public Hearing
 =====

Department: Community Services
Submitted For: Division of Substance Use Disorder & Behavioral Health
 =====

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to approve:** an update to Palm Beach County's Behavioral Health Transportation Plan (Plan) to organize a centralized system of acute care services for persons in crisis pursuant to § 394.462, F.S.

Summary: The Board of County Commissioners approved the Plan on June 6, 2017 as required by § 394.462, F.S. The statute states, in part, "A transportation plan shall be developed and implemented by each county in collaboration with the managing entity." The Plan describes methods of transport to facilities within the designated receiving system for individuals subject to involuntary examination (pursuant to the Baker and Marchman Acts for involuntary commitment of persons in mental health and substance abuse crises). The Plan was developed by the Southeast Florida Behavioral Health Network (SEFBHN) in collaboration with the County, and received community input from the Department of Community Services, the Palm Beach County Public Safety Coordinating Council, the Baker Act Task Force and the Law Enforcement Planning Council. The Plan is required to be updated every three (3) years, and this item represents the first update to the Plan since its 2017 inception. Corresponding programs funded through the County's Financially Assisted Agencies program have been, and will continue to 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 HH

Background and Justification: According to the Florida Department of Health, there are more than 41,000 adults in Palm Beach County diagnosed with a serious mental illness, an increase of more than 3,000 in the past seven years. Additionally, the Suicide Age-Adjusted Death Rate in Palm Beach County has been higher than Florida since 2011, with the exception of the year 2017 with the highest number of cases of suicide, 247, recorded in 2018. The Medical Examiner's Office also reports a 26% increase in first quarter opioid overdose deaths from 112 in 2019 and 141 in 2020 and 79% increase in the second quarter from 91 in 2019 to 163 in 2020. The first two-quarter total of 304 deaths is just shy of the highest recorded deaths for these two quarters of 323 in 2017. Furthermore, Marchman and Baker Act filings for the 15th Judicial Circuit for 2019 were 2,972, with 2,206 for Baker Act and 766 for Marchman Act. As such, 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

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Recommended by: DocuSigned by:
 James Thur 10/31/2020
 BE34EE22BEDE492

Department Director **Date**

Approved by: *Nancy L. Bolon* 11/16/2020

Assistant County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

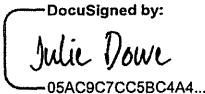
A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenue					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
No. ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes ___ No ___
 Does this item include the use of federal funds? Yes ___ No ___

Budget Account No.:
 Fund ___ Dept ___ Unit ___ Object ___ Program Code ___ Program Period ___

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

C. Departmental Fiscal Review:  _____
 Julie Dowe, Director, Financial & Support Svcs.

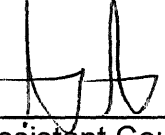
III. REVIEW COMMENTS

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

 11/5/2020
 OFMB 11/3 AP 11/4

 11/12/2020
 Contract Development and Control
 11-12-2020

B. Legal Sufficiency:

 For H. Hvizd 11/16/2020
 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
2020**

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 to Chapter 394.462, Florida Statutes (F.S), 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 (Transportation Plan) is intended to serve the continued best interest of persons in need of public behavioral healthcare in Palm Beach County. The Transportation 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 Transportation 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 Transportation Plan each law enforcement agency is responsible for its jurisdiction and is designated to effectuate the Transportation Plan for Palm Beach County.

The Transportation 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 (formerly West Palm Hospital)
 - South County Mental Health Center

- St. Mary's Medical Center
2. Adults on an involuntary Marchman Act to:
 - Drug Abuse Foundation
The Lakeside Medical Center in Belle Glade
 3. Youth under the age of 18 years on an involuntary Baker Act to:
 - JFK Medical Center North Campus
 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 (formerly West Palm Hospital) -61 Beds
- South County Mental Health Center — 50 Beds
- St Mary's Medical Center — 40 Beds
- The South County Mental Health Center in Belle Glade- 10 Beds

Children's Baker Act

- JFK Medical Center North Campus (formerly West Palm Hospital) - 27 Beds

Substance Abuse Detoxification

- JFK North Addiction Stabilization Center for Opioid overdoses
- Drug Abuse Foundation- 22 Detox Beds
- The Lakeside Medical Center 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 2019:

Total Mobile Response Team calls in Palm Beach County for 2019 was 2,924; with a breakdown of 1,551 face-to-face community, 285 involuntary/Baker Acts; and 1,502 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 2,972 filings for 2019; with a breakdown of 2,206 Baker Acts and 766 Marchman Acts.

BAKER ACT

Florida Statutes, Chapter 394, Part 1, Florida Mental Health Act 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 three 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 Section 394.463, F.S. 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), F.S., "[i]f the appropriate law enforcement officer believes that a person has an emergency medical condition as defined in Section 395.002, Florida Statutes, 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 Chapter 394.462, (l)(f), Florida Statutes, "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 Chapter 394.462(1)(g) F.S., 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 persons 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. Exception: 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 use disorder 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 use disorder 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 use disorder 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 Chapter 397.6818, F.S.:
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 Chapter 397.6818, Florida Statutes, 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 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 seven (7) days after the order is signed.

CHOICE:

Law Enforcement may take into consideration individual choice when making a determination of which Marchman 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 394.462(1), F.S., 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 394.462(1), Florida Statutes, (l)(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 394.462(1), F.S., (1)(g): "Persons who meet the statutory guidelines for involuntary admission pursuant to Section 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 of persons 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 394.462(1), F.S. or Section 397.675, 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 Section 397.675, except in small rural counties where there are no cost-efficient alternatives.

SYSTEM OVERSIGHT

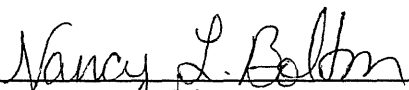
In an effort to resolve complaints, grievances, and disputes, which may arise during implementation of the plan, The Baker Act Task Force Committee will implement necessary actions in response to its ongoing review and any public or Southeast Florida Behavioral Health Network (SEFBHN) or Department of 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 inter-agency 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 that has strengthened the relationships between all parties responsible for implementing the Transportation Plan in Palm Beach County.

Approval Recommended:



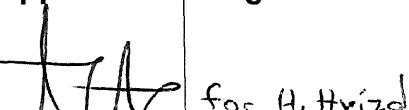
Department Director or
Assistant County Administrator

Mayor, Palm Beach County
Board of County Commissioners

Florida Department of Children
and Families

Southeast Florida Behavioral Health Network

Approved for Legal Sufficiency:



County Attorney

Counsel, Southeast Florida Behavioral
Health Network

Counsel, Florida Department of
Children and Families

DEFINITIONS

Baker Act: The Florida Mental Health Act.

Marchman Act: The Hal S. Marchman Alcohol and Other Drug Services Act

Receiving Facility: 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.

Private Receiving Facility: 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.

Public Receiving Facility: 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.