

2022 Indian River County Transportation Plan

Language additions in FY 22-23 to comply with July 1st legislation passed:

Senate Bill 1262

- ✓ Requires law enforcement officers to report any known contact information for relatives of persons detained under the Baker Act.
- ✓ Requires law enforcement officers to search certain electronic databases for emergency contact information of Baker and Marchman Act patients being transported to a receiving facility.

Senate Bill 1844

- ✓ Directs law enforcement officers transporting individuals under the Baker Act or Marchman Act to restrain individuals using the least restrictive means available and appropriate under the circumstances.

General Provisions

Indian River 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 Indian River County Public Safety Coordinating Council for Criminal Justice, Mental Health, and Substance Abuse. This Transportation Plan requires approval by the Indian River 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 Indian River County.

The 2022 Indian River County Transportation Plan (referenced below as "Transportation Plan") is intended to serve the continue best interest of persons in need of public behavioral healthcare in Indian River County. The Transportation Plan will ensure 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 Indian River County will continue to meet individual needs.

A. The intent of this Transportation Plan is to:

- a. Arrange the centralization and improvement in the provision of services within Indian River County, which may include an exception to the requirement for transportation to the nearest receiving facility;

- b. 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
 - c. 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 a county to contract with an emergency medical transport service or private transport company for transportation of persons to receiving facilities. Under this Transportation Plan each law enforcement agency is responsible for its jurisdiction and is designated to effectuate the Transportation Plan for Indian River County.

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

Palm Beach County

- a. Adults on an involuntary Baker Act to:
 - a. Fair Oaks Pavilion at Delray Medical Center
 - b. HCA Florida JFK Medical Center North
 - c. South County Mental Health Center
 - d. Neuro Behavioral Hospital
- b. Adults on an involuntary Marchman Act to:
 - a. Drug Abuse Foundation
- c. Youth under the age 18 years on an involuntary Baker Act to:
 - a. HCA Florida JFK Medical Center North
- d. Youth under the age of 18 years on an involuntary Marchman Act to:
 - a. Drug Abuse Foundation

Martin County

- a. Adults on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
 - b. Coral Shores Behavioral Health
- b. Adults on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast
- c. Youth under the age of 18 on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast

- b. Coral Shores Behavioral Health
- d. Youth under the age of 18 years on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast

St. Lucie County

- a. Adults on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
 - b. Lawnwood Medical Center
 - c. Port St. Lucie Hospital
- b. Adults on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast
- c. Youth under the age of 18 on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
 - b. Lawnwood Medical Center
- d. Youth under the age of 18 years on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast

Indian River County

- a. Adults on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
 - b. Cleveland Clinic Indian River Medical Center
- b. Adults on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast
- c. Youth under the age of 18 on an involuntary Baker Act to:
 - a. Nearest Receiving Facility Cleveland Clinic Indian River Medical Center
- d. Youth under the age of 18 years on an involuntary Marchman Act to:
 - a. Nearest Receiving Facility
 - b. New Horizons of the Treasure Coast

Okeechobee County

- a. Adults on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
- b. Adults on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast
- c. Youth under the age of 18 on an involuntary Baker Act to:
 - a. New Horizons of the Treasure Coast
- d. Youth under the age of 18 years on an involuntary Marchman Act to:
 - a. New Horizons of the Treasure Coast

Current System Capacity

Palm Beach County

Baker Act Receiving Facilities

- Fair Oaks Pavilion at Delray Medical Center: 50 beds
- HCA Florida JFK Medical Center North: 123 beds
- South County Mental Health Center: 45 beds
- Neuro Behavioral Hospital: 42 beds

Substance Abuse Detoxification

- HCA Florida JFK Medical Center North: Stabilization Center for Opioid overdoses
- Drug Abuse Foundation: 44 Detox Beds

Martin County

Baker Act Receiving Facilities

- Coral Shores Behavioral Health: 56 beds
- New Horizons of the Treasure Coast: 68 beds

Substance Abuse Detoxification

- New Horizons of the Treasure Coast: 20 beds

St. Lucie County

Baker Act Receiving Facilities

- New Horizons of the Treasure Coast and Okeechobee: 68 beds
- Lawnwood Medical Center
- Port St. Lucie Hospital

Substance Abuse Detoxification

- New Horizons of the Treasure Coast: 20 beds

Indian River County

Baker Act Receiving Facilities

- New Horizons of the Treasure Coast and Okeechobee: 68 beds
- Cleveland Clinic Indian River Medical Center

Substance Abuse Detoxification

- New Horizons of the Treasure Coast: 20 beds

Okeechobee

Baker Act Receiving Facilities

- New Horizons of the Treasure Coast and Okeechobee: 68 beds
- Cleveland Clinic Indian River Medical Center

Substance Abuse Detoxification

- New Horizons of the Treasure Coast: 20 beds

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

Marchman Act and Baker Act Statistics of 2021

Martin, Indian River, St. Lucie, and Okeechobee

Total Mobile Response Team calls in Circuit 19 for FY 21-22 was 1172; with a breakdown of 1,1019 face-to-face community, 119 involuntary/Baker Acts; and 307 youth (under 18 years of age).

Marchman and Baker Act filings for the 19th Judicial Circuit show a total of 2,972 filings for 2021; with a breakdown of 1034 Baker Acts and 169 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 (LESA):** 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 provision of Florida Law or 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.

Least Restrictive Means to Transport

Pursuant to Senate Bill 1844, passed by the Florida Legislature and made effective on July 1st, 2022, Law Enforcement Officers transporting individuals under the Baker Act should use the least restrictive means available and appropriate under the circumstances to transport individuals. This may include the utilization of de-escalation techniques, forgoing handcuffs, and other restraints, and/or the inclusion of Community Intervention Team (CIT) officers.

Emergency Contact Information

Pursuant to Senate Bill 1262, passed by the Florida Legislature and made effective on July 1st, 2022, Law Enforcement Officers are required to: (a) search certain electronic databases for emergency contact information of Baker Act patients being transported to a receiving facility, and; (b) report any known contact information for relatives of persons detained under the Baker Act.

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. The 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 non-criminal 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 that 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 a transportation plan"
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.

Transfer 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 changes. In that case, the Indian River County Sheriff's Office shall be noticed prior to transfer and will, provide the transportation.

Transfer of Custody: Under section 394.462(3), Custody of a person who is transported pursuant to the Florida Mental Health Act, Part I, of Chapter 394, Florida Statutes, along with related documentation, shall be relinquished to a responsible individual 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 alternately;
2. Emergency Admissions: 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, 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 alternately;
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 compiled with an addiction 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 Indian River 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 Indian River 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.

Least Restrictive Means to Transport

Pursuant to Senate Bill 1844, passed by the Florida Legislature and made effective on July 1st, 2022, Law Enforcement Officers transporting individuals under the Marchman Act should use the least restrictive means available and appropriate under the circumstances. This may include the utilization of de-escalation techniques, forgoing handcuffs and other restraints, and/or the inclusion of Community Intervention Team (CIT) officers.

Emergency Contact Information

Pursuant to Senate Bill 1262, passed by the Florida Legislature and made effective on July 1st, 2022, Law Enforcement Officers are required to search certain electronic databases for emergency contact information of Marchman Act patients being transported to a receiving facility, and; (b) report any known contact information for relatives of persons detained under the Marchman Act.

Medical Treatment

Pursuant to 394.462(2)(a), 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 are required to transport the individual being detained under a Marchman Act to the nearest hospital or emergency care center for medical stabilization.

Transportation on Upon Being Medically Stabilized: Upon completion of treatment for individuals who are designated "on hold" or "still in custody", law enforcement is

responsible or 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. See Section 394.462(1)(g), F.S.

Persons Arrested or in Custody

1. **Felony Offenses:** Pursuant to 394.462(1)(h), 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. The receiving facility shall be responsible for promptly arranging for the examination and treatment of the person. The 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)(g), F.S.: "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 facility pursuant to a transportation plan."
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. See Section 394.462(1)(g), F.S.

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. See Section 394.462(2)(a), F.S.
2. However, under this 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 394.467, except in small rural counties where there are no cost-efficient alternatives. See Section 394.462, F.S.

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, Indian River County hospitals have engaged in public planning process that has strengthened the relationships between all parties responsible for implementing the Transportation Plan in Indian River County.

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.