

Florida's Baker Act: 2013 Fact Sheet

Department of Children and Families

What is the Baker Act and What Does It Do?

- The Baker Act is Chapter 394, Part I, Florida Statutes, also known as the Florida Mental Health Act.
- The Baker Act provides legal procedures for mental health examination and treatment, including:
 - Voluntary admission
 - Involuntary examination
 - Involuntary inpatient placement (IIP)
 - Involuntary outpatient placement (IOP)
- The Baker Act regulates:
 - Crisis stabilization units (CSUs)
 - Short-term residential treatment facilities (SRTs)
- The Baker Act protects the rights of all individuals examined or treated for mental illness in Florida.

What Is Involuntary Examination and How Is It Conducted?

- An involuntary exam is a psychiatric exam conducted without a person's consent, often called "getting Baker Acted."
- Involuntary exams are initiated by:
 - Law enforcement officers (49%)
 - Mental health professionals and physicians (49%)
 - Circuit courts (2%)
- Criteria for involuntary exam are that the individual:
 - Appears to have a mental illness;
 - Presents a danger to self or others; *and*
 - Refuses voluntary exam *or* is unable to understand need for exam
- Involuntary exams are provided only by DCF-designated Baker Act receiving facilities:
 - Hospitals
 - Crisis stabilization units (CSUs)
- Services focus on stabilizing the immediate crisis.
- Within 72 hours of arrival, facility must release the individual *or* file a petition for involuntary placement.
- Average length of stay is 4.5 days.
- Release must be approved by a psychiatrist or a clinical psychologist.

Key Statistics: Involuntary Exams

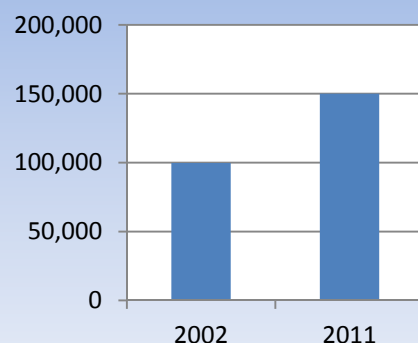
In 2011, there were:

- **150,000 involuntary exams**
- 111,000 individuals examined
- 93,000 adults examined
- 18,000 children examined

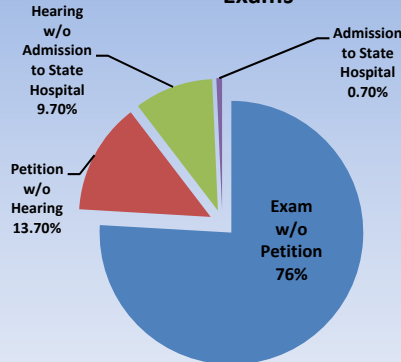
Over ten years (2002-11), there were increases of:

- **50% in involuntary exams**
- 46% in individuals examined
- 49% in adults examined
- 35% in children examined

Involuntary Exams



Outcome of Involuntary Exams



Key Statistics: Funding & Bed Capacity

Department Budget for Baker Act Beds FY 12-13:

Adult Beds	\$63.4 million
Child Beds	\$14.0 million
Total	\$77.4 million

Baker Act Receiving Facilities:

CSUs (All Public)	54
Public Hospitals	13
Private Hospitals	59
Total	126

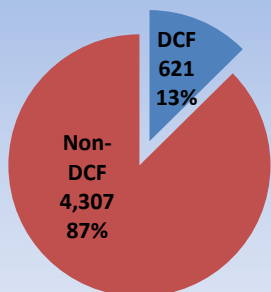
Baker Act Bed Capacity:

Adult - CSU	903
Adult - Public Hospital	659
Adult - Private Hospital	2,632*
Total Adult Beds	4,194

Child - CSU	196
Child - Public Hospital	209
Child - Private Hospital	329*
Total Child Beds	734

*Private hospital beds are not intended to serve indigent individuals, although they are sometimes used for that purpose.

Funding Sources For Baker Act Beds



What Is Involuntary Inpatient Placement (IIP)?

- Involuntary inpatient placement (IIP) is the Baker Act's term for civil commitment.
- IIP allows an individual to be admitted for mental health treatment (beyond stabilization of the immediate crisis) without their consent.
- IIP requires:
 - Meeting criteria very similar to those for involuntary examination.
 - A petition filed by the receiving facility within the 72 hour involuntary exam period.
 - Supporting opinions of a psychiatrist and either a second psychiatrist or a clinical psychologist.
 - A court order based on a hearing where at least one of the professionals testifies.
- An individual ordered to IIP may receive services in:
 - A state mental health treatment facility (SMHTF) ("state hospital") (avg. length of stay = 1.7 years)
 - A short-term residential treatment facility (SRT).
 - IIP may be ordered for up to 6 months, and may be extended with additional hearings.

What Is Involuntary Outpatient Placement (IOP)?

- Involuntary outpatient placement (IOP) is a form of commitment that allows individuals to be mandated by the court to receive mental health treatment on an outpatient basis.
- Criteria for IOP are more difficult to meet than criteria for involuntary inpatient placement. For IOP, the individual must:
 - Have a history of noncompliance with treatment and be unlikely to survive safely in the community without supervision.
 - Have, within the last 36 months:
 - Received at least two Baker Act involuntary exams; OR
 - Received mental health services in a forensic or correctional facility; OR
 - Engaged in serious violent behavior or attempts at self-harm
- IOP has been used infrequently and provider participation varies. It is currently available in Escambia, Santa Rosa, Leon, Volusia, Manatee, Sarasota, Seminole, and DeSoto Counties.