

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2014-014 PA-CIR

RE: BAKER ACT HEARINGS

Pasco County currently has two facilities for receiving involuntary patients under the Baker Act, §§ 394.451-394.47891, Florida Statutes. This Court has been notified that two new facilities in Pasco County will soon be receiving involuntary patients. The offices of both the State Attorney and the Public Defender have informed the Court that they do not have the resources necessary to attend Baker Act hearings at all four facilities. Therefore, the Court finds it necessary to designate the facilities where Baker Act hearings will be scheduled and set forth procedures for conducting such hearings.

In accordance with Article V, section 2, Florida Constitution, Rules of Judicial Administration 2.215 and 2.514, and §43.26, Florida Statutes, it is

ORDERED:

I. DEFINITIONS

For purposes of this Administrative Order, the following terms have the following meanings:

A. Receiving Facility

A “receiving facility” means any public or private facility designated by the Department of Children and Families to receive and hold involuntary patients under emergency conditions for psychiatric evaluation and to provide short-term treatment. The term does not include a county jail.

B. Host Facility

A “host facility” means a receiving facility which has been designated by this Court to serve as a facility at which Baker Act Hearings shall be conducted.

C. Transporting Facility

A “transporting facility” means a receiving facility which has not been designated to serve as a facility at which Baker Act hearings shall be conducted, and that therefore is required to transport its patients to a host facility for Baker Act hearings.

II. DESIGNATIONS

A. Host Facilities

The Medical Center of Trinity—West Pasco Campus and Morton Plant North Bay Hospital are hereby designated as host facilities.

B. Transporting Facilities

The Harbor Behavioral Health Care Institute and North Tampa Behavioral Health are hereby designated as transporting facilities.

III. RESPONSIBILITIES

A. Transporting Facilities

1. Transportation

Each transporting facility shall provide for:

- a. The safe transport of patients and a paper copy of their clinical records to the designated host facility for Baker Act hearings. All patients of the Harbor Behavioral Health Care Institute shall be transported to The Medical Center of Trinity—West Pasco Campus for Baker Act hearings. All patients of North Tampa Behavioral Health shall be transported to Morton Plant North Bay Hospital for Baker Act hearings.
- b. Arrival of the patient at the host facility at least 15 minutes prior to the scheduled start time of the patient's Baker Act hearing.
- c. The assignment of at least one clinical attendant to travel with the patient or patients to and from the Baker Act hearing. The transporting facility shall ensure that the clinical attendant is adequately trained to fulfill this duty.
- d. Regardless of the outcome of the hearing, the safe transport of the patient back to the transporting facility at the conclusion of all hearings involving patients of the transporting facility.

2. Assessment and Notification

If, on the day of the hearing, the patient either refuses transport or the attending physician of the transporting facility assesses that the patient is clinically unstable for transport,

- a. The attending physician shall document on the Baker Act Transportation Stability Assessment Form (Assessment Form), which is Attachment A, the patient's refusal or the specific risks assessed by him or her on the morning of the hearing and sign the form. The attending physician shall also be available by phone or in person to discuss his or her findings with the Public Defender or patient's counsel and the General Magistrate.
- b. The transporting facility's Baker Act coordinator or designee shall contact the Office of the Public Defender or patient's counsel of record by phone as soon as possible. The Baker Act coordinator or designee shall also assure that the completed Assessment Form is hand-delivered to the General Magistrate prior to the scheduled start of the patient's hearing.

B. Host Facility

Each host facility shall:

1. Provide a safe and secure area in which patients from the transporting facility may wait until their hearings are called.
2. Provide a room of adequate size and decorum, with sufficient dignity to elicit the customary respect given to court proceedings, in which the General Magistrate may conduct Baker Act hearings. This area shall display an American flag and the flag of the State of Florida.

C. General Magistrate

Each General Magistrate conducting Baker Act hearings shall:

1. Display at all hearings a nameplate bearing his or her title and the seal of the Sixth Judicial Circuit.
2. In the event a General Magistrate receives an Assessment Form from a transporting facility stating that the patient has refused transport or is clinically unstable for transport, enter the form into evidence as part of the court proceedings/file. The General Magistrate shall then ask the Public Defender or the patient's counsel whether he or she wishes to proceed without the patient present or request a continuance.

D. Clerk of the Circuit Court

The Clerk of the Circuit Court shall:

1. As soon as possible but no later than 3:00 p.m. on the day before a scheduled hearing, notify the Baker Act coordinator or designee of each transporting facility of the patients from that facility who are on the court's docket and the time of their hearings.
2. Schedule the hearings of patients of The Harbor Behavioral Health Care Institute at The Medical Center of Trinity—West Pasco Campus; and the hearings of patients of North Tampa Behavioral Health at Morton Plant North Bay Hospital.
3. Place the cases of those patients from transporting facilities first on the hearing docket, ahead of the cases of patients from the host facility.

A Schedule for Baker Act hearings at host facilities is attached hereto as Attachment B. The Pasco Probate Administrative Judge is hereby given the authority to change this schedule at any time as warranted by the interests of justice.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this ____ day of February 2014.

ORIGINAL SIGNED ON FEBRUARY 27, 2014
BY J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: Baker Act Transportation Stability Assessment Form
Attachment B: Pasco County Baker Act Hearing Schedule

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Nikki Alvarez, Chief Operations Office, Pasco County Clerk's Office
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Renita George, Probate Supervisor, Pasco County Clerk's Office
The Medical Center of Trinity-West Pasco Campus
Morton Plant North Bay Hospital
Harbor Behavioral Health Care Institute
North Tampa Behavioral Health
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

BAKER ACT TRANSPORTATION STABILITY ASSESSMENT FORM

Patient Name

Date

- The patient **REFUSES** transportation

The above names patient has been assessed by me on this date and in my professional opinion and with reasonable certainty is **NOT** stable for transportation for the following reason(s):

- The patient is currently and actively suicidal (i.e. searching for methods of self-harm within the confines of the unit).
As evidenced by: _____

- Has made real and specific actions or threats to harm staff or others.
As evidenced by: _____

- Has poorly controlled agitation, aggression or severe behavioral disturbance.
As evidenced by: _____

- Is deemed medically unstable.
As evidenced by: _____

- Transportation will exacerbate his/her condition and subsequently necessitate medication and restraint that would not otherwise be administered.
As evidenced by: _____

Attending Physician Signature

Date

Printed Name

PASCO COUNTY BAKER ACT HEARING SCHEDULE

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			8:30 AM Hearings @ The Medical Center of Trinity-West Pasco Campus for: <ul style="list-style-type: none"> • The Medical Center of Trinity • Harbor Behavioral Health Care Institute 	9:00 AM Hearings @ Morton Plant North Bay Hospital for: <ul style="list-style-type: none"> • Morton Plant North Bay Hospital • North Tampa Behavioral Health 		