

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.

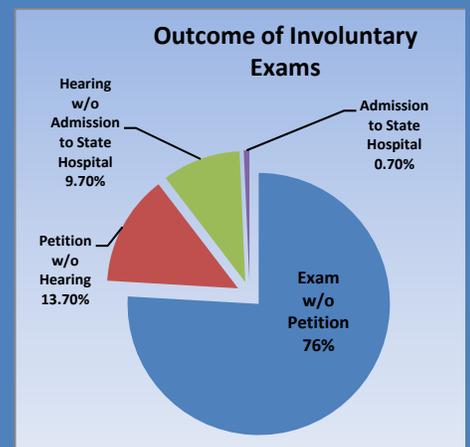
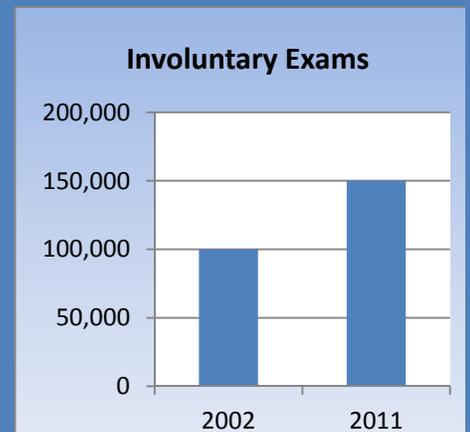
Key Statistics: Involuntary Exams

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



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.

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.

Funding Sources For Baker Act Beds

