

21

**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

1/17/2023

BCC MEETING DATE

TO: Hunter S. Conrad, County Administrator

DATE: December 19, 2022

FROM: Shawna Novak, Director of Health and Human Services

PHONE: 904 209-6089

SUBJECT OR TITLE: St. Johns County Five Year Transportation Plan related to Baker and Marchman Act transports to receiving facilities

AGENDA TYPE: Consent Agenda, Resolution

BACKGROUND INFORMATION:

In 2016, the Florida Legislature passed Senate Bill 12 which made significant changes to Florida Statute 394 and 397 effective July 1, 2016. A Transportation Plan for St. Johns County is a requirement of Senate Bill 12. The St. Johns County Transportation Plan endorses the authority to transport persons in need of services under the Baker Act or Marchman Act to one of the designated receiving facilities. The Plan, along with an accurate inventory of designated receiving facilities and related public resources to provide care for persons in need of behavioral health acute care services, shall be maintained and available to law enforcement and first responders. The plan was most recently updated in 2020 and approved by the Board on November 17, 2020. This agenda item is the second five year plan which may be reviewed and updated at any time but no later than December 2026. The Board is asked to approve the Plan so that it can be submitted to the Secretary of the Department of Children and Families for final approval.

1. IS FUNDING REQUIRED? No

2. IF YES, INDICATE IF BUDGETED. No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to adopt Resolution 2023-_____, approving the St. Johns County Five Year Transportation Plan for years 2023-2028 and to proceed with submission to the Florida Department of Children and Families for final approval by the Secretary of the Florida Department of Children and Families.

For Administration Use Only:

Legal: Kealey West 12/22/2022

OMB: N/A

Admin: Sarah Taylor 12/22/2022

RESOLUTION NO. 2023-_____

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ST. JOHNS COUNTY FIVE YEAR TRANSPORTATION PLAN YEARS 2023 THROUGH 2028, IN ACCORDANCE WITH FLORIDA STATUTE 394, BAKER ACT AND FLORIDA STATUTE 397, HAL S. MARCHMAN ALCOHOL AND OTHER DRUG SERVICES ACT.

RECITALS

WHEREAS, in 2016, the Florida Legislature passed Senate Bill 12, which made several significant changes to Florida Statutes 394 and 397 effective July 1, 2016 including a requirement for a countywide Transportation Plan; and

WHEREAS, this Transportation Plan serves as a vital component of the comprehensive plan for a Tiered Receiving System in St. Johns County to meet the behavioral health needs of persons in crisis due to mental and/or substance use conditions; and

WHEREAS, this Transportation Plan describes how the community shall support and facilitate access to the Tiered Receiving System including circumstances that guide selection of the most appropriate transportation method, how transportation between participating facilities is handled and respect for individual choice of service providers; and

WHEREAS, this Transportation Plan endorses the authority to transport persons in need of services under the Baker Act or Marchman Act to one of the designated receiving facilities; and

WHEREAS, this Transportation Plan, along with an accurate inventory of designated receiving facilities and related public resources to provide care for persons in need of behavioral health acute care services, shall be maintained and available to law enforcement and first responders, per s. 394.4573(2)(b); and

WHEREAS, this Transportation Plan must be approved by the St. Johns County Board of County Commissioners and then provided to the Secretary of the Florida Department of Children and Families for approval.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:

Section 1. The above recitals are incorporated by reference into the body of this resolution and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners hereby approves the St. Johns County Five Year Transportation Plan for years 2023 through 2028.

Section 3. To the extent that there are typographical or administrative errors or omissions that do not change the tone, tenor, or context of this resolution, this resolution may be revised without subsequent approval of the Board of County Commissioners.

Section 4. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County this _____ day of _____ 2023.

BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY

By: _____
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

ST. JOHNS COUNTY
TRANSPORTATION PLAN

In accordance with:

Florida Statute 394, Baker Act;
Florida Statute 397, Hal S. Marchman Alcohol and
Other Drug Services Act

Five Year Plan
2023-2028

Department of Children and Families
Northeast Region
Substance Abuse and Mental Health
Program Office

Submitted to:

Shevaun Harris, Secretary
Department of Children and Families
December 2022

St. Johns County Transportation Plan

1.	Background/ Purpose	3
2.	Specific Provision: Senate Bill 12	3
3.	Community Need and Support	4
4.	The Transportation Plan: 2017-2022	4
	A. Objectives of the Plan	5
	B. Baker Act/Marchman Act Transportation	5
	C. Focus Populations	6
	D. Medical Stabilization	7
	E. Individual and Family Choice	8
	F. Overflow Plan	8
	G. Accessing Designated Receiving System	9
	H. Crisis Intervention Team Training	9
	I. Accountability	9
	J. Individual Disputes and Grievances	10
5.	Attachments	11

1. BACKGROUND/PURPOSE

In accordance with Florida Statute 394.462 (4), F.S. (Florida Mental Health Act, commonly referred to as the “Baker Act”), the Department of Children and Families (DCF) Northeast Region is requesting approval from the Secretary of DCF for this Transportation Plan. This Plan serves as a vital component of the comprehensive plan for a Tiered Receiving System in St. Johns County to meet the behavioral health needs of persons in crisis due to mental and/or substance use conditions.

The Transportation Plan describes how the community shall support and facilitate access to the Tiered Receiving System. This includes the circumstances to guide selection of the most appropriate transportation method, e.g., law enforcement, medical services, or family/friends; how transportation between participating facilities is handled; and respect for individual choice of service providers.

2. SPECIFIC PROVISION

In 2016, the Florida Legislature passed Senate Bill 12, which made several significant changes to 394 and 397 effective July 1, 2016. A full summary of the legislation is beyond the scope of this Transportation Plan, but listed below are several key provisions of the law that inform and guide this Plan’s development.

- Creates a designated receiving system that functions as a “no wrong door” model for acute care encompassing screening, triage, and assessment
- Supports a recovery-oriented system of care that addresses the needs of persons with behavioral health disorders through comprehensive, integrated services
- Requires counties to develop and implement transportation plans that support the designated receiving system
- Requires law enforcement to develop policies on transportation and share their protocols with the Managing Entity
- Revises requirements for notice and transfer of records when public receiving facilities transfer patients to licensed hospitals
- Requires data collection and reporting on Marchman Act utilization, as well as Baker Act, and transfers responsibility to collect and report this data from the Agency for Health Care Administration (AHCA) to DCF
- Establishes new categories of persons authorized to file professional certificates for involuntary assessment and stabilization under the Marchman Act

3. COMMUNITY NEED AND SUPPORT

The purpose of the *St. Johns County Transportation Plan Advisory Committee* is to provide oversight for the Transportation Plan to ensure that it is being administered properly. The Committee will meet periodically to review grievances and assurance of patients' rights as related to the Plan.

The St. Johns County Transportation Plan Advisory Committee is comprised of, but not limited to, representatives of the following agencies:

- a. Department of Children and Families (DCF) Northeast Region Substance Abuse and Mental Health Program Office
- b. LSF Health Systems
- c. St. Johns County Sheriff's Office
- d. City of St. Augustine Beach Police Department
- e. City of St. Augustine Police Department
- f. Florida School of the Deaf and the Blind Police Department
- g. EPIC Behavioral Healthcare
- h. SMA Healthcare
- i. St. Augustine Youth Services
- j. Flagler Health +
- k. St. Johns County Health and Human Services Department
- l. National Alliance on Mental Illness (NAMI)

4. THE TRANSPORTATION PLAN (2023-2028)

The transportation plan for St. Johns County is based on a tiered receiving system that consists of multiple entry points, some of which offer only specialized or limited services. Each service provider shall be classified according to its capabilities as either a designated receiving facility or another type of service provider, such as a triage team or a licensed detoxification facility. All participating service providers shall, within existing resources, be linked by methods to share data, formal referral agreements, and cooperative arrangements for care coordination and case management.

The St. Johns County Transportation Plan endorses the authority to transport persons in need of services under the Baker Act or Marchman Act to one of the designated receiving facilities. The plan, along with an accurate inventory of designated receiving facilities and related public resources to provide care for persons in need of behavioral health acute care services, shall be maintained and available to law enforcement and to first responders, per s. 394.4573(2)(b). This original plan took effect on July 1, 2017. This updated plan takes effect January 1, 2023 and will be reviewed and updated as necessary but no later than December 2026.

Objectives for the Plan are to:

- Implement a coordinated system of transportation and access to psychiatric services for children and adults under a Baker Act order and substance abuse services for adults under a Marchman Act order in St. Johns County.
- Provide a dignified, humane, and streamlined method of transportation to and among acute care facilities, and for individuals in need of acute psychiatric care from nursing homes, assisted living facilities or other residential settings.
- Assist law enforcement in the efficient transport of individuals in need of services to the most appropriate facility.
- Enhance the ability to fully utilize the capacity of acute care services in the county and reduce the unnecessary delay of transfers between facilities.
- Ensure continuity and coordination of care among providers.

In order to accomplish these objectives, the St. Johns County Transportation Plan requires that law enforcement agencies in St. Johns County transport individuals in need of mental health services under the Baker Act or Marchman Act to the nearest applicable receiving facility. This plan does not address patients who are seeking mental health or substance abuse services on a voluntary basis.

Baker/Marchman Act Transportation:

Law enforcement agencies in St. Johns County transport those individuals in need of mental health services under the Baker Act or Marchman Act to the appropriate receiving facilities.

When an individual has a medical issue that needs to be addressed or an intoxication level that is medically compromising, law enforcement or St. Johns County Fire and Rescue transports the individual being detained under a Baker Act or Marchman Act order to the nearest emergency care center for medical stabilization. When the individual has been stabilized, the hospital emergency room will arrange transportation to the appropriate destination.

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 shall first be processed in the same manner as any other criminal suspect. The St. Johns County contracted medical service provider will be responsible for arranging for an examination of the individual. If transportation to the designated receiving facility is necessary, the St. Johns County Sheriff's Office will transport the individual.

When any law enforcement officer has custody of a person based on either noncriminal or minor criminal behavior that meets the statutory guidelines for involuntary examination under this part, the law enforcement officer shall transport the person to the appropriate receiving facility for examination.

Once an individual is in a facility, there are occasions when that individual needs to be discharged from one facility and transferred to another facility. Transportation between facilities is coordinated by the transferring facility.

Upon completion of treatment for individuals who are designated “on hold” as a result of being booked prior to treatment, the receiving facility is required to contact the St. Johns County Sheriff’s Office at 904-824-8304 to arrange for transportation to the St. Johns County Jail.

The Transportation Plan focuses on the following populations:

a. **Children and Adolescents Who Are Age 17 and Under:**

Baker Act - Law enforcement agencies in St. Johns will transport individuals age 17 and younger who are subject to the Baker Act to:

- **Mental Health Center Jacksonville** – 3333 W. 20th Street, Jacksonville, FL32254 (904-695-9145); or
- **Baptist Medical Center/Wolfson Children’s Hospital** – 800 Prudential Drive, Jacksonville, FL 32207 (904-202-2000); or
- **River Point Behavioral Health** – 6300 Beach Blvd., Jacksonville, FL 32216 (904-724-9202).
- **Halifax Health-Behavioral Services-** between the hours of 8 am and 8 pm- 841 Jimmy Ann Dr. Daytona Beach, FL 32117 (386-425-3900)
- between hours of 8 pm and 8 am- 303 North Clyde Morris Blvd Daytona Beach 32114 (386-425-4000)

Marchman Act – The Plan addresses and clarifies Marchman Act transportation for children and adolescents age 17 and under by law enforcement to the following facility:

- **None located within St. Johns County**

b. **Adults Who Are Age 18 to 64:**

Baker Act - Law enforcement agencies in St. Johns County will transport individuals subject to the Baker Act that are age 18-64 to:

- **Flagler Health + -400 Health Park Blvd St. Augustine, FL 32086 (904-819-4300)**

Marchman Act - Law enforcement will provide transportation for adults age 18 and older subject to the Marchman Act as ordered by the court to the following facility:

Secure facility-

- **Chet Bell Crisis Center (CBCC)- 1150 Red John Dr. Daytona Beach, FL 32124 (386-236-1773)**

Non-secure facility-

- **EPIC Recovery Center-** 3574 US 1 South St. Augustine, FL 32086 (904-417-7100)
- **Gateway Community Services Detox** – 555 Stockton Street Jacksonville, FL (904-201-3204).

c. Adults who are 65 and older:

Baker Act- Law enforcement agencies in St. Johns County will transport individuals subject to the Baker Act that are 65 and older to the nearest of the following receiving facilities:

- **Memorial Hospital of Jacksonville** – 3625 University Blvd. S., Jacksonville, FL 32216 (904-399-6111);
- **Halifax Health-Behavioral Services-**303 North Clyde Morris Blvd Daytona Beach 32114 (386-425-4000) or
- **Wekiva Springs Center** – 3947 Salisbury Road, Jacksonville, FL 32216 (904-296-3533)

Marchman Act - Law enforcement will provide transportation for adults age 18 and older subject to the Marchman Act as ordered by the court to the following facility:

Secure facility-

- Chet Bell Crisis Center (CBCC)- 1150 Red John Dr. Daytona Beach, FL 32124 (386-236-1773)

Non-secure facility-

- **EPIC Recovery Center-** 3574 US 1 South St. Augustine, FL 32086 (904-417-7100)
- **Gateway Community Services Detox** – 555 Stockton Street Jacksonville, FL (904-201-3204).

Medical Stabilization:

The medical exclusionary guidelines are used among all the community partners to ensure that individuals who are assessed to need medical care are treated in a hospital. Once the individual is medically stabilized by the emergency department, the medical facility determines the appropriate Baker Act or Marchman Act receiving Facility. Transportation from one facility to another is coordinated by the transferring facility. Law enforcement is responsible for transport of Juvenile Baker Acts aged 17 and under and all Marchman Acts from one facility to another.

Individual and Family Choice:

The publicly funded Baker and Marchman Act systems are targeted towards persons who are in need of emergency care and ongoing treatment. Choices of where persons can be served are available through several providers, though may be limited by bed availability, funding, and the degree to which a person manifests behaviors that are a danger to themselves or others. It is not practical for law enforcement to transport individuals to providers other than the nearest receiving facility.

Within these parameters, however, it is the intent of this plan to assure sensitivity to and respect for individual and family choice. If a person presents to the nearest receiving facility and it is clear that a hospital or facility is preferred, the person may be transported there if bed availability allows. Transportation from one facility to another is coordinated by the transferring facility. Law enforcement is not responsible to transport from one facility to another.

Overflow Plan:

In the event there are insufficient beds available at any of the designated receiving facilities to accommodate the needs of individuals who are Baker or Marchman Acted, the receiving facility to which law enforcement has delivered the individual will be responsible for stabilizing the person.

Once stabilization has been accomplished, the designated receiving facility will reach out to other facilities in neighboring counties that are within the jurisdiction of LSF Health Systems, the Managing Entity for mental health and substance abuse in Northeast Florida. If there are no facilities available within LSF's jurisdiction, a statewide search will be conducted. Every effort will be made to ensure that the patient is safe and secure before being transported to such a facility in a neighboring county. Transportation will be the responsibility of the receiving facility to which St. Johns County law enforcement originally delivered the individual.

Facilities to be contacted in overflow situations include:

- **Orange Park Medical Center** – 2001 Kingsley Ave., Orange Park, FL 32073 32073 (904-639-8500)
- **Baptist Behavioral** - 800 Prudential Dr, Jacksonville FL 32207 (904-202-7900)
- **The Vines**- 3130 SW 27th Ave, Ocala FL 34471 (352-671-3130)
- **Springbrook** -7007 Grove Rd, Brooksville FL 34609 (352-596-4306)

Accessing the Designated Receiving System:

- Ex parte order issued by a circuit or county court. In those cases, law enforcement shall take the person into custody and deliver him or her to the appropriate facility within the designated receiving system.
- A physician, clinical psychologist, advanced registered nurse practitioner psychiatric, licensed mental health counselor, licensed clinical social worker, licensed marriage and family therapist, or, for substance abuse services only, a master's level certified addictions professional, may execute a professional certificate. Professionals who initiate a certificate for emergency admission under 397.679 must indicate whether the person requires transportation assistance for delivery for emergency admission and specify the type of assistance necessary.
- Protective custody: A law enforcement officer may take a person who appears to meet criteria for involuntary examination or assessment into custody and transport him or her to the appropriate facility within the designated receiving system, executing a written report of the circumstances. When the criteria involve substance use, s. 397.6772(1)(b) allows law enforcement to detain adults in jail for their own protection, which is not considered an arrest.

Crisis Intervention Team Training (CIT)/Mental Health First Aid:

St. Johns County Sheriff's Office has implemented a Crisis Intervention Training (CIT) program, an innovative police based first responder program that has become nationally known as the "Memphis Model" of pre-arrest jail diversion for those in behavioral health crisis. The program provides law enforcement based crisis intervention training for helping those individuals with behavioral health disorders. The CIT model incorporates modules on the Baker Act, Marchman Act, signs and symptoms of mental illness and substance abuse impairment, how to intervene with persons in behavioral health crisis, de-escalation skills, utilization of Mobile Crisis Response Teams, person served and family viewpoints and interaction and other vital skills.

Accountability:

The ultimate accountability lies with the State of Florida Department of Children and Families (DCF). The public official responsible for overseeing the Plan is the DCF Regional Substance Abuse and Mental Health Program Director.

The State of Florida operates a community-based behavioral health system, and most direct services are contracted with nonprofit behavioral healthcare providers. In St. Johns County, the DCF Northeast Region Substance Abuse and Mental Health (SAMH) Program Office contracts with the Managing Entity, LSF Health Systems (LSFHS).

The DCF-SAMH Office is responsible for the following, either directly or by delegation to the Managing Entity:

- Continuing system oversight
- Safeguarding the rights of individuals in service delivery
- Annual monitoring of the quality of services through contract review
- Designating and monitoring receiving facilities, treatment facilities, and receiving systems
- Assistance to resolve issues between providers, if not resolved by the St. Johns County Transportation Plan Advisory Committee

As described in 394.455(12), all designated receiving facilities are by definition responsible to provide, at a minimum, emergency screening, evaluation, and short-term stabilization for mental health or substance abuse disorders.

Under 394.462(1)(m), each law enforcement agency designated to take persons into custody upon the entry of an ex parte order or execution of a professional certificate is responsible to establish a policy that reflects a single set of protocols for the safe and secure transportation and transfer of custody of the person.

Individual Disputes and Grievances:

The St. Johns County Transportation Plan Advisory Committee will convene an ad hoc subcommittee of the St. Johns County Behavioral Health Consortium on transportation that serves as a means for communication and resolution of systemic problems related to emergency transports.

Individuals served, their family members, or other representatives designated by the individual may also file complaints or grievances with a specific provider through their established grievance policy, or directly to DCF, the Managing Entity, or a third party funder if applicable. Providers are responsible to address complaints or grievances through their internal procedures, and are expected to finalize grievances related to the designated receiving system within 30 days. In the event the provider is unable to resolve the issue to the satisfaction of the grievant, DCF or the Managing Entity may intervene and work with the person, family, and/or provider to bring the issue to a satisfactory resolution.

Attachment A

Baker Act Designated Receiving Facilities in St. Johns County

Flagler Health + -400 Health Park Blvd St. Augustine, FL 32086 (904-819-4300)

Attachment B

Addictions Receiving Facilities in St. Johns County

None located within St. Johns County

Attachment C

Definitions

"**Addictions receiving facility**" is a secure, acute care facility that, at a minimum, provides emergency screening, evaluation, detoxification, and stabilization services; Is operated 24 hours per day, 7 days per week; and is designated by the department to serve individuals found to have substance abuse impairment who qualify for services under this part..

"**Designated receiving facility**" means a facility approved by the department which may be a public or private hospital, crisis stabilization unit, or addictions facility; which provides, at a minimum, emergency screening, evaluation, and short-term stabilization for mental health or substance abuse disorders; and which may have an agreement with a corresponding facility for transportation and services.

"**Facility**" means any hospital, community facility, public or private facility, or receiving or treatment facility providing for the evaluation, diagnosis, care, treatment, training, or hospitalization of persons who appear to have a mental illness or who have been diagnosed as having a mental illness or substance abuse impairment. The term "**Facility**" does not include any program or an entity licensed under pursuant to chapter 400 or chapter 429.

"**Residential Detox Center**" is designed to provide patients with everything they need to not only detox from drugs and alcohol, but also learn how to begin to live a clean and sober life.

"**Incompetent to consent to treatment**" means a state in which that a person's judgment is so affected by a mental illness or a substance abuse impairment he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical, mental health, or substance abuse treatment.

"**Involuntary examination**" means an examination performed under s. 394.463, s. 397.6772, s. 397.679, s. 397.6798, or s. 397.6811 to determine whether a person qualifies for involuntary services.

"**Receiving facility**" means any public or private facility or hospital designated by the department to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse psychiatric evaluation and to provide treatment or transportation to the appropriate service provider. The term does not include a county jail.