

A PETITIONER'S RESPONSIBILITIES UNDER THE HAL MARCHMAN ACT

The Hal S. Marchman Act, Florida Statute 397 (1993), has been passed by the Florida Legislature to address issues of substance and alcohol abuse. The Marchman Act encourages individuals to seek out treatment on a voluntary basis and to be actively involved in their own services with the assistance of qualified professionals. However, denial of addiction is a common symptom, raising a barrier to early intervention and treatment. The Marchman Act established a variety of methods under which substance abuse assessment, stabilization, and treatment could be obtained on an involuntary basis.

Criteria for Involuntary Admissions

There is good faith reason to believe the person is substance abuse impaired and, because of such impairment,

1. Has lost the power of self-control with respect to substance use; **AND EITHER**
2. **a.** Has inflicted, threatened, attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; **OR**
3. **b.** Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services; mere refusal of services does not constitute evidence of lack of judgment with respect to his or her need for such services.

Involuntary Assessment and Stabilization

This procedure involves filing a petition with the Clerk of the court. The court can schedule a hearing to take place within 10 days or can issue an ex-parte order immediately.

BEFORE A PETITION IS FILED:

To avoid a court hearing, **BEFORE FILING A PETITION**, you should take the following actions:

1. You **MUST** contact an Addictions Receiving Facility (contact information follows) to ensure that a bed is or will be available and that payment for these services has been arranged. (If insurance is available for the patient, you might wish to contact the insurance agency for a referral.)
 - BayCare Behavioral Health (727) 841-6430
 - North Tampa Behavioral Health (813) 922-3300
 - ACTS (813) 246-4899
2. Once you secure a bed for the patient, take the patient to the facility, if he or she is willing to be voluntarily admitted. It is only necessary to file a petition if the patient is not willing to seek treatment voluntarily.
3. He or she will then be assessed for substance or alcohol abuse. If necessary, he or she will then be admitted to the facility and treated.

IF IT IS NECESSARY TO FILE A PETITION:

(The patient is not willing to voluntarily seek an evaluation or treatment.)

- YOU HAVE the burden of proof in any court hearing.
- YOU ARE NOT entitled to a court appointed attorney.
- YOU MUST PROVE that the patient is substance abuse impaired and is in need of a professional evaluation.
- At the court hearing, to prove that the patient needs a professional evaluation, YOU must do the following:
 - ™ Present evidence, both oral and written;
 - ™ Present witnesses, including expert witnesses;

YOUR PETITION MUST CONTAIN THE FOLLOWING:

- A full description of the patient, including height, weight, hair color, and other features
- Detailed location where the patient can be found
- The facility that is available to take the patient
- The day and time that the bed will be available
- Whether the person has a current medical condition
- If the person is on medication list the medications

WHAT YOU SHOULD EXPECT ONCE A PETITION IS FILED:

A person that the court determines meets criteria for involuntary admission under the Marchman Act may be admitted to a designated addiction receiving facility (ARF) for a period of **up to 5 days**. This admission is for assessment and stabilization only (an ARF is not a treatment program) and discharge is determined by the Psychiatrist/ARNP. In Pasco County, there are two adult addiction receiving facilities - BayCare Behavioral Health and North Tampa Behavioral Health. There is also an adult addiction receiving facility at ACTS in Hillsborough County.

Addiction receiving facilities provide a short-term medically supervised detoxification program for adults. Medical management of withdrawal from alcohol or drugs is provided in a safe therapeutic environment along with 24-hour nursing care and supervision. Medical services are provided through a psychiatrist or advanced registered nurse practitioner. Individual, group and family services along with discharge/aftercare planning are also provided. The target population is for medically stable adults. Admissions are based on the use of substances within the last 24 to 48 hours. An addiction receiving facility is not a treatment program or residential placement.

Prior to filing a petition, you should call one of the addiction receiving facilities listed above to check bed availability. If the Detoxification Unit is full, they will not be able to accept any admissions, regardless of whether or not a petition has been filed.

Following assessment and stabilization at an addiction receiving facility you can file a petition for court-ordered involuntary treatment at the Pasco County Clerk & Comptroller's Office. A petition for involuntary treatment may be filed on an adult person by: The person's spouse, guardian, any relative or any three adults who have personal knowledge of a person's substance abuse impairment. The Court determines if it will grant or deny the petition. **Note:** If the respondent is a minor, a petition for involuntary treatment may be filed by a parent, legal guardian, or service provider.

Jail Based Services

The Medical Unit provides medical, dental, substance abuse, and mental health services to inmates incarcerated in the Pasco Detention facilities pursuant to requirements of the American Corrections Association, Florida Corrections Accreditation Commissions, and Florida Model Jail Standards, as well as prevailing community standards. Inmates' health complaints are solicited daily and followed by appropriate triage and treatment by qualified health professionals. An inmate is housed in the medical unit when the detox protocol is necessary. For more information, please contact Inmate Processing at the Land O'Lakes Jail: 813-235-6022.

<http://www.pascosheriff.com/websmart/Pasco/static/PCSO-Corrections.htm>

The information provided is a guideline of procedures that are followed at the direction of the Court and input from the Sixth Circuit Pasco County Consortium and Pasco County Acute Care Groups, Florida Statutes, Rules and Administrative Orders in Pasco County.