

APPENDIX B
Guidance 6
Outpatient Forensic Mental Health Services
(Effective July 1, 2017)

Contract Reference: *Sections A-1.1 and C-1.3.2*

Authorities: *Chapter 916, F.S.*
 Children & Families Operating Procedure (CFOP) 155-18

Frequency: Ongoing

Due Date: Ongoing

Discussion:

This document specifies Network Service Provider responsibilities related to Managing Entity tracking and reporting of persons served in outpatient forensic mental health service settings and programs. CFOP 155-18 should be consulted for details regarding the implementation of these responsibilities.

Applicability:

These responsibilities pertain only to adults or juveniles adjudicated as adults who are charged with or at-risk of being charged with a felony offense pursuant to Chapter 916, F.S., and who are referred to the Network Service Provider subject to conditional release, pre-commitment diversion, or post-commitment diversion. These responsibilities do not pertain to individuals with only misdemeanor offenses. Individuals with non-violent felony offenses should be prioritized for conditional release and diversion. A non-violent offense is a crime that does not involve a violent crime against a person and is not one of the violent or capital offenses found in s. 916.145, F.S.

- Pre-commitment diversion applies to individuals charged with a felony offense, booked into the county jail or local detention facility, identified as having a mental illness and at risk for commitment to a Forensic State Mental Health Treatment Facility (SMHTF). Under pre-commitment diversion, in lieu of commitment, the individual is referred, assigned or otherwise ordered to receive community based services. Pre-commitment diversion occurs as a result of interventions by a forensic specialist, forensic case manager, the Managing Entity or other community mental health stakeholder and may include issuance of a conditional release order by the committing court.
- Post-commitment diversion applies to individuals who have been adjudicated as incompetent to proceed or not guilty by reason of insanity pursuant to Chapter 916, F.S. Under post-commitment diversion, the individual is committed to the Department, but permitted by the committing court to forego admission and reside in a less restrictive environment. The committing court vacates the order of commitment and typically issues a new order conditionally releasing the individual to appropriate community based services. This diversion is a result of interventions by a Forensic Specialist, Forensic Case Manager, or representative of the Department, a Managing Entity or community mental health stakeholder prior to admission to a Forensic SMHTF.

Forensic Coordinator Responsibilities:

The Managing Entity shall subcontract with one or more Network Service Providers to provide Forensic Coordinator services within the Managing Entity service area. The Forensic Coordinator shall be responsible for tracking and reporting the following data:

- A. The release plan status of all forensic individuals referred by all Forensic or Civil SMHTFs;

- B. All client level data to ensure that any legislative requests for information can be responded to in a reasonable amount of time.
- C. The following summary outputs:
 - 1. The number of individuals with forensic involvement served;
 - 2. The number of individuals served in pre-commitment diversion;
 - 3. The number of individuals served in post-commitment diversion; and
 - 4. The number of individuals served in either pre-commitment or post-commitment diversion with non-violent offenses that do not include any of the offenses listed in s. 916.145, F.S.
 - 5. The number of individuals served on conditional release in each of the following classifications:
 - a. Number of Incompetent to Proceed;
 - b. Number of Not Guilty by Reason of Insanity;
 - c. Number by type of placement or program (home, ALF, Residential Level 1, etc.);
 - d. Number by circuit and county;
 - e. Number who were restored to competency; and
 - f. Number of those who were determined non-restorable.
 - 6. Number of individuals with non-violent offenses that do not have any of the offenses listed in s. 916.145, F.S. and are discharged on conditional release by the committing court. The ME should ensure that such individuals residing in SMHTFs are prioritized for conditional release planning and discharge.

Each Forensic Coordinator shall submit all requested information regarding diversion and conditional release to the Managing Entity by the 5th of each month.

The Managing Entity shall submit the required data specified in *CFOP 155-18 Attachment A* to the Department's SMHTF Community Forensic Liaison via email no later than the 15th of each month.